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NATIONAL ARCHIVES MICROFILM PUBLICATIONS

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RECORDS OF THE UNITED STATES

NUERNBERG WAR CRIMES TRIALS

UNITED STATES OF AMERICA v. CARL KRAUCH ET AL. (CASE VI)

AUGUST 14, 1947-JULY 30, 1948

Roll 110

Other Items

Official Court Files, Vols. 51 and 52



THE NATIONAL ARCHIVES
NATIONAL ARCHIVES AND RECORDS SERVICE
GENERAL SERVICES ADMINISTRATION

WASHINGTON: 1976

INTRODUCTION

On the 113 rolls of this microfilm publication are reproduced the records of Case VI, *United States of America v. Carl Krauch et al.* (I. G. Farben Case), 1 of the 12 trials of war criminals conducted by the U.S. Government from 1946 to 1949 at Nuernberg subsequent to the International Military Tribunal (IMT) held in the same city. These records consist of German- and English-language versions of official transcripts of court proceedings, prosecution and defense briefs and statements, and defendants' final pleas as well as prosecution and defense exhibits and document books in one language or the other. Also included are minute books, the official court file, order and judgment books, clemency petitions, and finding aids to the documents.

The transcripts of this trial, assembled in 2 sets of 43 bound volumes (1 set in German and 1 in English), are the recorded daily trial proceedings. Prosecution statements and briefs are also in both languages but unbound, as are the final pleas of the defendants delivered by counsel or defendants and submitted by the attorneys to the court. Unbound prosecution exhibits, numbered 1-2270 and 2300-2354, are essentially those documents from various Nuernberg record series, particularly the NI (Nuernberg Industrialist) Series, and other sources offered in evidence by the prosecution in this case. Defense exhibits, also unbound, are predominantly affidavits by various persons. They are arranged by name of defendant and thereunder numerically, along with two groups of exhibits submitted in the general interest of all defendants. Both prosecution and defense document books consist of full or partial translations of exhibits into English. Loosely bound in folders, they provide an indication of the order in which the exhibits were presented before the tribunal.

Minute books, in two bound volumes, summarize the transcripts. The official court file, in nine bound volumes, includes the progress docket, the indictment, and amended indictment and the service thereof; applications for and appointments of defense counsel and defense witnesses and prosecution comments thereto; defendants' application for documents; motions and reports; uniform rules of procedures; and appendixes. The order and judgment books, in two bound volumes, represent the signed orders, judgments, and opinions of the tribunal as well as sentences and commitment papers. Defendants' clemency petitions, in three bound volumes, were directed to the military governor, the Judge Advocate General, and the U.S. District Court for the District of Columbia. The finding aids summarize transcripts, exhibits, and the official court file.

Case VI was heard by U.S. Military Tribunal VI from August 14, 1947, to July 30, 1948. Along with records of other Nuernberg

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and Far East war crimes trials, the records of this case are part of the National Archives Collection of World War II War Crimes Records, Record Group 238.

The I. G. Farben Case was 1 of 12 separate proceedings held before several U.S. Military Tribunals at Nuernberg in the U.S. Zone of Occupation in Germany against officials or citizens of the Third Reich, as follows:

<u>Case No.</u>	<u>United States v.</u>	<u>Popular Name</u>	<u>No. of Defendants</u>
1	<i>Karl Brandt et al.</i>	Medical Case	23
2	<i>Erhard Milch</i>	Milch Case (Luftwaffe)	1
3	<i>Josef Altstoetter et al.</i>	Justice Case	16
4	<i>Oswald Pohl et al.</i>	Pohl Case (SS)	18
5	<i>Friedrich Flick et al.</i>	Flick Case (Industrialist)	6
6	<i>Carl Krauch et al.</i>	I. G. Farben Case (Industrialist)	24
7	<i>Wilhelm List et al.</i>	Hostage Case	12
8	<i>Ulrich Greifelt et al.</i>	RuSHA Case (SS)	14
9	<i>Otto Ohlendorf et al.</i>	Einsatzgruppen Case (SS)	24
10	<i>Alfried Krupp et al.</i>	Krupp Case (Industrialist)	12
11	<i>Ernst von Weizsaecker et al.</i>	Ministries Case	21
12	<i>Wilhelm von Leeb et al.</i>	High Command Case	14

Authority for the proceedings of the IMT against the major Nazi war criminals derived from the Declaration on German Atrocities (Moscow Declaration) released November 1, 1943; Executive Order 9547 of May 2, 1945; the London Agreement of August 8, 1945; the Berlin Protocol of October 6, 1945; and the IMT Charter.

Authority for the 12 subsequent cases stemmed mainly from Control Council Law 10 of December 20, 1945, and was reinforced by Executive Order 9679 of January 16, 1946; U.S. Military Government Ordinances 7 and 11 of October 18, 1946, and February 17, 1947, respectively; and U.S. Forces, European Theater General Order 301 of October 24, 1946. Procedures applied by U.S. Military Tribunals in the subsequent proceedings were patterned after those of the IMT and further developed in the 12 cases, which required over 1,200 days of court sessions and generated more than 330,000 transcript pages.

Formation of the I. G. Farben Combine was a stage in the evolution of the German chemical industry, which for many years led the world in the development, production, and marketing of organic dyestuffs, pharmaceuticals, and synthetic chemicals. To control the excesses of competition, six of the largest chemical firms, including the Badische Anilin & Soda Fabrik, combined to form the Interessengemeinschaft (Combine of Interests, or Trust) of the German Dyestuffs Industry in 1904 and agreed to pool technological and financial resources and markets. The two remaining chemical firms of note entered the combine in 1916. In 1925 the Badische Anilin & Soda Fabrik, largest of the firms and already the majority shareholder in two of the other seven companies, led in reorganizing the industry to meet the changed circumstances of competition in the post-World War markets by changing its name to the I. G. Farbenindustrie Aktiengesellschaft, moving its home office from Ludwigshafen to Frankfurt, and merging with the remaining five firms.

Farben maintained its influence over both the domestic and foreign markets for chemical products. In the first instance the German explosives industry, dependent on Farben for synthetically produced nitrates, soon became subsidiaries of Farben. Of particular interest to the prosecution in this case were the various agreements Farben made with American companies for the exchange of information and patents and the licensing of chemical discoveries for foreign production. Among the trading companies organized to facilitate these agreements was the General Anilin and Film Corp., which specialized in photographic processes. The prosecution charged that Farben used these connections to retard the "Arsenal of Democracy" by passing on information received to the German Government and providing nothing in return, contrary to the spirit and letter of the agreements.

Farben was governed by an Aufsichtsrat (Supervisory Board of Directors) and a Vorstand (Managing Board of Directors). The Aufsichtsrat, responsible for the general direction of the firm, was chaired by defendant Krauch from 1940. The Vorstand actually controlled the day-to-day business and operations of Farben. Defendant Schmitz became chairman of the Vorstand in 1935, and 18 of the other 22 original defendants were members of the Vorstand and its component committees.

Transcripts of the I. G. Farben Case include the indictment of the following 24 persons:

Otto Ambros: Member of the Vorstand of Farben; Chief of Chemical Warfare Committee of the Ministry of Armaments and War Production; production chief for Buna and poison gas; ~~manager~~ of Auschwitz, Schkopau, Ludwigshafen, Oppau, Gendorf, Dyhernfurth, and Falkenhagen plants; and Wehrwirtschaftsfuehrer.

Max Brueggemann: Member and Secretary of the Vorstand of Farben; member of the legal committee; Deputy Plant Leader of the Leverkusen Plant; Deputy Chief of the Sales Combine for Pharmaceuticals; and director of the legal, patent, and personnel departments of the Works Combine, Lower Rhine.

Ernst Buerger: Member of the Vorstand of Farben; Chief of Works Combine, Central Germany; Plant Leader at the Bitterfeld and Wolfen-Farben plants; and production chief for light metals, dyestuffs, organic intermediates, plastics, and nitrogen at these plants.

Heinrich Buetefisch: Member of the Vorstand of Farben; manager of Leuna plants; production chief for gasoline, methanol, and chlorine electrolysis production at Auschwitz and Moosbierbaum; Wehrwirtschaftsfuehrer; member of the Himmler Freundeskreis (circle of friends of Himmler); and SS Obersturmbannfuehrer (Lieutenant Colonel).

Walter Duerrfeld: Director and construction manager of the Auschwitz plant of Farben, director and construction manager of the Monowitz Concentration Camp, and Chief Engineer at the Leuna plant.

Fritz Gajewski: Member of the Central Committee of the Vorstand of Farben, Chief of Sparte III (Division III) in charge of production of photographic materials and artificial fibers, manager of "Agfa" plants, and Wehrwirtschaftsfuehrer.

Heinrich Gattineau: Chief of the Political-Economic Policy Department, "WIPO," of Farben's Berlin N.W. 7 office; member of Southeast Europe Committee; and director of A.G. Dynamit Nobel, Pressburg, Czechoslovakia.

Paul Haeffliger: Member of the Vorstand of Farben; member of the Commercial Committee; and Chief, Metals Departments, Sales Combine for Chemicals.

Erich von der Heyde: Member of the Political-Economic Policy Department of Farben's Berlin N.W. 7 office, Deputy to the Chief of Intelligence Agents, SS Hauptsturmfuehrer, and member of the WI-RUE-AMT (Military Economics and Armaments Office) of the Oberkommando der Wehrmacht (OKW) (High Command of the Armed Forces).

Heinrich Hoerlein: Member of the Central Committee of the Vorstand of Farben; chief of chemical research and development of vaccines, sera, pharmaceuticals, and poison gas; and manager of the Elberfeld Plant.

Max Ilgner: Member of the Vorstand of Farben; Chief of Farben's Berlin N.W. 7 office directing intelligence, espionage, and propaganda activities; member of the Commercial Committee; and Wehrwirtschaftsfuehrer.

Friedrich Jaehne: Member of the Vorstand of Farben; chief engineer in charge of construction and physical plant development; Chairman of the Engineering Committee; and Deputy Chief, Works Combine, Main Valley.

August von Knieriem: Member of the Central Committee of the Vorstand of Farben; Chief Counsel of Farben; and Chairman, Legal and Patent Committees.

Carl Krauch: Chairman of the Aufsichtsrat of Farben and Generalbevollmaechtigter fuer Sonderfragen der Chemischen Erzeugung (General Plenipotentiary for Special Questions of Chemical Production) on Goering's staff in the Office of the 4-Year Plan.

Hans Kuehne: Member of the Vorstand of Farben; Chief of the Works Combine, Lower Rhine; Plant Leader at Leverkusen, Elberfeld, Uerdingen, and Dormagen plants; production chief for inorganics, organic intermediates, dyestuffs, and pharmaceuticals at these plants; and Chief of the Inorganics Committee.

Hans Kugler: Member of the Commercial Committee of Farben; Chief of the Sales Department Dyestuffs for Hungary, Rumania, Yugoslavia, Greece, Bulgaria, Turkey, Czechoslovakia, and Austria; and Public Commissar for the Falkenau and Aussig plants in Czechoslovakia.

Carl Lautenschlaeger: Member of the Vorstand of Farben; Chief of Works Combine, Main Valley; Plant Leader at the Hoechst, Griesheim, Mainkur, Gersthofen, Offenbach, Eystrup, Marburg, and Neuhausen plants; and production chief for nitrogen, inorganics, organic intermediates, solvents and plastics, dyestuffs, and pharmaceuticals at these plants.

Wilhelm Mann: Member of the Vorstand of Farben, member of the Commercial Committee, Chief of the Sales Combine for Pharmaceuticals, and member of the SA.

Fritz ter Meer: Member of the Central Committee of the Vorstand of Farben; Chief of the Technical Committee of the Vorstand that planned and directed all of Farben's production; Chief of Sparte II in charge of production of Buna, poison gas, dyestuffs, chemicals, metals, and pharmaceuticals; and Wehrwirtschaftsfuehrer.

Heinrich Oster: Member of the Vorstand of Farben, member of the Commercial Committee, and manager of the Nitrogen Syndicate.

Hermann Schmitz: Chairman of the Vorstand of Farben, member of the Reichstag, and Director of the Bank of International Settlements.

Christian Schneider: Member of the Central Committee of the Vorstand of Farben; Chief of Sparte I in charge of production of nitrogen, gasoline, diesel and lubricating oils, methanol, and organic chemicals; Chief of Central Personnel Department, directing the treatment of labor at Farben plants; Wehrwirtschaftsfuehrer; Hauptabwehrbeauftragter (Chief of Intelligence Agents); Hauptbetriebsfuehrer (Chief of Plant Leaders); and supporting member of the Schutzstaffeln (SS) of the NSDAP.

Georg von Schnitzler: Member of the Central Committee of the Vorstand of Farben, Chief of the Commercial Committee of the Vorstand that planned and directed Farben's domestic and foreign sales and commercial activities, Wehrwirtschaftsfuehrer (Military Economy Leader), and Hauptsturmfuehrer (Captain) in the Sturmabteilungen (SA) of the Nazi Party (NSDAP).

Carl Wurster: Member of the Vorstand of Farben; Chief of the Works Combine, Upper Rhine; Plant Leader at Ludwigshafen and Oppau plants; production chief for inorganic chemicals; and Wehrwirtschaftsfuehrer.

The prosecution charged these 24 individual staff members of the firm with various crimes, including the planning of aggressive war through an alliance with the Nazi Party and synchronization of Farben's activities with the military planning of the German High Command by participation in the preparation of the 4-Year Plan, directing German economic mobilization for war, and aiding in equipping the Nazi military machines.¹ The defendants also were charged with carrying out espionage and intelligence activities in foreign countries and profiting from these activities. They participated in plunder and spoliation of Austria, Czechoslovakia, Poland, Norway, France, and the Soviet Union as part of a systematic economic exploitation of these countries. The prosecution also charged mass murder and the enslavement of many thousands of persons particularly in Farben plants at the Auschwitz and Monowitz concentration camps and the use of poison gas manufactured by the firm in the extermination

¹The trial of defendant Brueggemann was discontinued early during the proceedings because he was unable to stand trial on account of ill health.

of millions of men, women, and children. Medical experiments were conducted by Farben on enslaved persons without their consent to test the effects of deadly gases, vaccines, and related products. The defendants were charged, furthermore, with a common plan and conspiracy to commit crimes against the peace, war crimes, and crimes against humanity. Three defendants were accused of membership in a criminal organization, the SS. All of these charges were set forth in an indictment consisting of five counts.

The defense objected to the charges by claiming that regulations were so stringent and far reaching in Nazi Germany that private individuals had to cooperate or face punishment, including death. The defense claimed further that many of the individual documents produced by the prosecution were originally intended as "window dressing" or "howling with the wolves" in order to avoid such punishment.

The tribunal agreed with the defense in its judgment that none of the defendants were guilty of Count I, planning, preparation, initiation, and waging wars of aggression; or Count V, common plans and conspiracy to commit crimes against the peace and humanity and war crimes.

The tribunal also dismissed particulars of Count II concerning plunder and exploitation against Austria and Czechoslovakia. Eight defendants (Schmitz, von Schnitzler, ter Meer, Buergin, Haeffliger, Ilgner, Oster, and Kugler) were found guilty on the remainder of Count II, while 15 were acquitted. On Count III (slavery and mass murder), Ambros, Bueteffisch, Duerrfeld, Krauch, and ter Meer were judged guilty. Schneider, Bueteffisch, and von der Heyde also were charged with Count IV, membership in a criminal organization, but were acquitted.

The tribunal acquitted Gajewski, Gattineau, von der Heyde, Hoerlein, von Knieriem, Kuehne, Lautenschlaeger, Mann, Schneider, and Wurster. The remaining 13 defendants were given prison terms as follows:

<u>Name</u>	<u>Length of Prison Term (years)</u>
Ambros	8
Buergin	2
Bueteffisch	6
Duerrfeld	8
Haeffliger	2
Ilgner	3
Jaehne	1 1/2
Krauch	6
Kugler	1 1/2
Oster	2
Schmitz	4
von Schnitzler	5
ter Meer	7

All defendants were credited with time already spent in custody.

In addition to the indictments, judgments, and sentences, the transcripts also contain the arraignment and plea of each defendant (all pleaded not guilty) and opening statements of both defense and prosecution.

The English-language transcript volumes are arranged numerically, 1-43, and the pagination is continuous, 1-15834 (page 4710 is followed by pages 4710(1)-4710(285)). The German-language transcript volumes are numbered 1a-43a and paginated 1-16224 (14a and 15a are in one volume). The letters at the top of each page indicate morning, afternoon, or evening sessions. The letter "C" designates commission hearings (to save court time and to avoid assembling hundreds of witnesses at Nuernberg, in most of the cases one or more commissions took testimony and received documentary evidence for consideration by the tribunals). Two commission hearings are included in the transcripts: that for February 7, 1948, is on pages 6957-6979 of volume 20 in the English-language transcript, while that for May 7, 1948, is on pages 14775a-14776 of volume 40a in the German-language transcript. In addition, the prosecution made one motion of its own and, with the defense, six joint motions to correct the English-language transcripts. Lists of the types of errors, their location, and the prescribed corrections are in several volumes of the transcripts as follows:

- First Motion of the Prosecution, volume 1
- First Joint Motion, volume 3
- Second Joint Motion, volume 14
- Third Joint Motion, volume 24
- Fourth Joint Motion, volume 29
- Fifth Joint Motion, volume 34
- Sixth Joint Motion, volume 40

The prosecution offered 2,325 prosecution exhibits numbered 1-2270 and 2300-2354. Missing numbers were not assigned due to the difficulties of introducing exhibits before the commission and the tribunal simultaneously. Exhibits 1835-1838 were loaned to an agency of the Department of Justice for use in a separate matter, and apparently No. 1835 was never returned. Exhibits drew on a variety of sources, such as reports and directives as well as affidavits and interrogations of various individuals. Maps and photographs depicting events and places mentioned in the exhibits are among the prosecution resources, as are publications, correspondence, and many other types of records.

The first item in the arrangement of prosecution exhibits is usually a certificate giving the document number, a short description of the exhibits, and a statement on the location of the original document or copy of the exhibit. The certificate is followed by the actual prosecution exhibit (most are photostats,

but a few are mimeographed articles with an occasional carbon of the original). The few original documents are often affidavits of witnesses or defendants, but also ledgers and correspondence, such as:

<u>Exhibit No.</u>	<u>Doc. No.</u>	<u>Exhibit No.</u>	<u>Doc. No.</u>
322	NI 5140	1558	NI 11411
918	NI 6647	1691	NI 12511
1294	NI 14434	1833	NI 12789
1422	NI 11086	1886	NI 14228
1480	NI 11092	2313	NI 13566
1811	NI 11144		

In rare cases an exhibit is followed by a translation; in others there is no certificate. Several of the exhibits are of poor legibility and a few pages are illegible.

Other than affidavits, the defense exhibits consist of newspaper clippings, reports, personnel records, Reichgesetzblatt excerpts, photographs, and other items. The 4,257 exhibits for the 23 defendants are arranged by name of defendant and thereunder by exhibit number. Individual exhibits are preceded by a certificate wherever available. Two sets of exhibits for all the defendants are included.

Translations in each of the prosecution document books are preceded by an index listing document numbers, biased descriptions, and page numbers of each translation. These indexes often indicate the order in which the prosecution exhibits were presented in court. Defense document books are similarly arranged. Each book is preceded by an index giving document number, description, and page number for every exhibit. Corresponding exhibit numbers generally are not provided. There are several unindexed supplements to numbered document books. Defense statements, briefs, pleas, and prosecution briefs are arranged alphabetically by defendant's surname. Pagination is consecutive, yet there are many pages where an "a" or "b" is added to the numeral.

At the beginning of roll 1 key documents are filmed from which Tribunal VI derived its jurisdiction: the Moscow Declaration, U.S. Executive Orders 9547 and 9679, the London Agreement, the Berlin Protocol, the IMT Charter, Control Council Law 10, U.S. Military Government Ordinances 7 and 11, and U.S. Forces, European Theater General Order 301. Following these documents of authorization is a list of the names and functions of members of the tribunal and counsels. These are followed by the transcript covers giving such information as name and number of case, volume numbers, language, page numbers, and inclusive dates. They are followed by the minute book, consisting of summaries of the daily proceedings, thus providing an additional finding aid for the transcripts. Exhibits are listed in an index that notes the

type, number, and name of exhibit; corresponding document book, number, and page; a short description of the exhibit; and the date when it was offered in court. The official court file is summarized by the progress docket, which is preceded by a list of witnesses.

Not filmed were records duplicated elsewhere in this microfilm publication, such as prosecution and defense document books in the German language that are largely duplications of the English-language document books.

The records of the I. G. Farben Case are closely related to other microfilmed records in Record Group 238, specifically prosecution exhibits submitted to the IMT, T988; NI (Nuernberg Industrialist) Series, T301; NM (Nuernberg Miscellaneous) Series, M-936; NOKW (Nuernberg Armed Forces High Command) Series, T1119; NG (Nuernberg Government) Series, T1139; NP (Nuernberg Propaganda) Series, M942; WA (undetermined) Series, M946; and records of the Brandt case, M887; the Milch Case, M888; the Altstoetter case, M889; the Pohl Case, M890; the Flick Case, M891; the List case, M893; the Greifelt case, M894; and the Ohlendorf case, M895. In addition, the record of the IMT at Nuernberg has been published in the 42-volume *Trial of the Major War Criminals Before the International Military Tribunal* (Nuernberg, 1947). Excerpts from the subsequent proceedings have been published in 15 volumes as *Trials of War Criminals Before the Nuernberg Military Tribunal Under Control Council Law No. 10* (Washington). The Audiovisual Archives Division of the National Archives and Records Service has custody of motion pictures and photographs of all 13 trials and sound recordings of the IMT proceedings.

Martin K. Williams arranged the records and, in collaboration with John Mendelsohn, wrote this introduction.

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Target 1

Official Court File

Volume 51

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UNITED STATES MILITARY TRIBUNAL VI
SITTING IN THE PALACE OF JUSTICE, NUREMBERG, GERMANY
4 MAY 1948

THE UNITED STATES OF AMERICA

- vs. -

CARL KRAUCH, et al.,

Defendants.

FILED 13 May 1948 with
Secretary General
Case No. 6
for Military Tribunals
Docket Center

~~SECRET~~

On 22 March 1948, Dr. Rudolf Dix, attorney for the defendant Hermann Schmitz, filed with the Secretary-General a motion dated 16 March 1948, to strike Prosecution Exhibit #384, Document XI-4157, so far as the statement of the defendant Hermann Schmitz of 17 September 1945, is contained therein.

The defendant Schmitz has not taken the witness stand and has, therefore, not subjected himself to examination and cross-examination.

Prosecution Exhibit #384 is an affidavit of the defendant Friedrich Hermann von Meer, in which the affiant purports to set forth the text of a written statement made by the defendant Schmitz pertaining to matters material to the issues in this case.

The defendant Schmitz contends that his purported statement should be stricken from the affidavit of the defendant von Meer because: (1) It was not voluntarily made; (2) That it is contained in an affidavit and that affidavits may not be admitted in evidence.

With respect to the first point, the defendant Schmitz quotes from Order #1 of the Military Government for the American Occupation Zone, dated 16 August 1945, as follows:

"The following offenses are punishable by such penalty other than death as a Military Government Court may impose:

• • • • •

35.) Knowingly making any false statement, orally or in writing, to any member of, or person acting under the authority of, the Allied Forces in a matter of official concern, or in any manner defrauding, or refusing to give information required by, Military Government."

This Tribunal has ruled heretofore that a relevant statement of a defendant may be admitted in evidence against that defendant as an admission against interest whether the



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defendant takes the stand or not unless the statement was made under such circumstances as to make it appear that it is not a voluntary statement of the defendant.

In this instance we have re-examined the record regarding the statement of the defendant Schmitz and find that it was a voluntary statement. The defendant, however, contends that because of the order above referred to, the statement must be deemed to have been made involuntarily, since, under the terms of the order, the defendant was required to answer questions put to him.

There is no showing that Order #1 was called to the attention of the defendant Schmitz or that he knew of it and had it in mind when he made the statement in question. He does not contend in his showing in support of the motion that he knew of the order or that it influenced him in making the statement. In fact, the circumstances disclosed by the record point to the contrary and it appears that the statement was made on the part of the defendant Schmitz of his own volition and without duress.

The defendant's second point challenges the rule of this and of other major war crimes tribunals that relevant affidavits are admissible in evidence if otherwise competent. We adhere to that rule.

The motion of the defendant Schmitz is overruled.



Quentin G. Sharpe
Clerk

James M. Jones
Clerk

James M. Hubert
Clerk

Charles J. McEachern
Clerk

Dated this 6th day of May 1948

PROSECUTION NOTIFIED

17 May 1948
DEFENSE NOTIFIED

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(3)
1415

MILITARY TRIBUNALS

Furnberg, Germany

UNITED STATES OF AMERICA

Against

KRAUCH and Others (Case VI)

FILED 29 April 1948 with
Secretary General
for Military Tribunals
Defense Center

FURTHER ANSWER TO REJOINDER OF DR. RUDOLF DIX CONCERNING THE
ADMISSIBILITY OF PRE-TRIAL STATEMENTS BY DEFENDANTS.

TO: The Secretary General, Military Tribunals (Room 281).

1. Answer is made to a memorandum filed on 23 April 1948, by Dr. Rudolf Dix relating to the subject of a motion filed by Dr. Dix on 16 March 1948, requesting that the Tribunal reconsider its previous ruling with respect to the admissibility of pre-trial statements by the defendants. The prosecution answered the original motion on 27 March 1948; Dr. Dix made a further statement on 31 March 1948; and the prosecution made a further answer on 16 April 1948.

2. The prosecution does not quite understand what Dr. Dix regards as the "decisive" point which is involved with respect to Ordinance #1. As we have already pointed out, the relationship of Ordinance #1 to pre-trial statements has been raised several times before this Tribunal and has been ruled upon several times. In various stages of the argument on this matter the defense charge has progressed from "duress" to "psychological duress" and now to what the defense label "legal duress". Once the principle that pre-trial statements made by defendants may be admitted into evidence is accepted, the remaining issue as stated several times by this Tribunal is whether or not the statement in question was obtained under duress and coercion.

3. The underlying principle involved is that if the statement is given under such duress and coercion that it does not amount to the "free and voluntary act of the defendant" (Tr. p. 231), the likelihood is that it is not trustworthy. The mere fact that a person is under an obligation to furnish truthful information can scarcely be alleged as reflecting upon the trustworthiness of his statements. As a matter of fact every defendant who takes the stand in a criminal case is under an obligation once he takes the stand that he "will speak the pure truth, and will withhold and add nothing". The provisions of Ordinance #1 which declare as punishable offenses "knowingly making any false statement" and "defrauding or refusing to give information required by military government" can no more be

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(4)

alleged as constituting duress than the oath required of any defendant who takes the stand.

4. The applicable provisions of Control Council Law #10 and Ordinance #7 governing this trial have been cited many times before in connection with this and similar matters. Under the Charter of the IMT and under Ordinance #7, pre-trial statements of defendants have been consistently admitted into evidence. Both the IMT and eight Tribunals which have sat here in Nurnberg have admitted such statements into evidence and in many cases have based their judgments in part upon such statements. This Tribunal has placed more restrictions upon the admissibility of such statements than either the IMT or most of the Military Tribunals set up under Control Council Law #10. Whereas this Tribunal has limited the admissibility of such affidavits as against other defendants to the case where the defendant-affiant takes the stand and subjects himself to cross-examination, the IMT and most of the Military Tribunals made no such limitation. The basic principle under which such pre-trial statements are admitted was enunciated by this Tribunal in the first days of trial. The following statements by the Tribunal on 28 August 1947, are particularly enlightening:

(Tr. pp 230-231)

"THE PRESIDENT: Counsel will pardon this interruption, but we don't believe anything would be accomplished by discussing with the Tribunal the application of the American principles, so far as the legal objection to the admission of this affidavit is concerned that you are discussing. In other words, this is not requiring the defendant to give evidence against himself. He may, throughout this trial and to the adjournment sit mute in the box if he sees fit and the prosecution cannot call him to the stand, but this is in the nature of an admission which is an entirely different category and I feel, on behalf of the Tribunal, that you would help us most if you would discuss the factual situation here as to whether or not there was any coercion on this defendant in the taking of this affidavit."

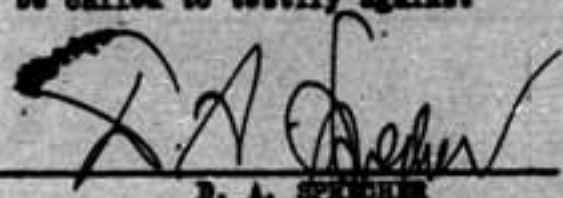
* * * * *

"THE PRESIDENT: Perhaps we can expedite matters a bit if the Tribunal may address an observation to counsel for the defendant who first spoke.

"We have a very high regard for the integrity of counsel, and, on most matters, we take your word implicitly, but there are certain features of practice that must be observed. There is nothing before this Tribunal at this time challenging the circumstances under which this affidavit was obtained. I may say that, assuming what counsel said about the defendant having been under restraint, there would have to be a formal showing to the Tribunal on that issue, before the Tribunal would feel free to interrupt the proceeding to go into what might be termed a collateral issue. If counsel can say to the Tribunal that he

does, in good faith, wish to make a showing to this Tribunal, by a formal pleading, that this affidavit, now offered in evidence, was obtained under duress and coercion to such an extent that it is not the free and voluntary act of the defendant, the Tribunal will accord him an opportunity to make that showing in the protection of the fundamental rights of this defendant. Otherwise, we are clearly of the opinion that, as an admission, it is admissible, notwithstanding the fact that the defendant could not be called to testify against himself."

By:



D. A. SPEECHER
Chief, WARREN TRIAL TEAM

Nurnberg, Germany 29 April 1948
(Date)

For:

WELFORD TAYLOR,
Brig. Gen., USA
Chief of Counsel.

Dr. Rudolf Dix

Nurnberg 23 April 1948

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To
Military Tribunal VI,
Case 6
Nurnberg

1030
FILED *21 April 1948* with
Secretary General
for Military Tribunals
Defense Center

via: Secretary General.

Respectfully referring to my request made in the afternoon session of 22 April 1948 to postpone the ruling of the Tribunal on my motion concerning Prosecution Exhibit No. 334 and re-examination of the basic decision issued by the Tribunal on the admissions made by the defendants prior to the beginning of the trial, I take the liberty of stating the following:

I. First of all, a short reply to the statements of the Prosecution in its brief of 16 April.

This rejoinder again does not touch the decisive point. As a matter of fact, Ordinance No. I of the US Military Government has already been discussed before this Tribunal; however, not the question whether the duress residing in the existence of this ordinance and in the interrogator's referring to it must - as it is the opinion of the Defense - result in the fact that admissions given under this duress thereby become unfit to be introduced in evidence in public legal proceedings since they preclude the principle of voluntariness of such admissions which has been explicitly set up by the Tribunal. Not the loyalty of the interrogation or of the interrogator is challenged in this motion, but the admissibility in evidence in the trial of such an admission which was given under the duress of ordinance I. It is not intended to attack the legitimacy of this legal duress, but the subsequent use in the trial of this admission as one which was given under duress, even though legal, and which as a pre-trial statement can therefore not be introduced in evidence.

II. With regard to the new legal material I announced:

In Court Letter No. 2, dated 10 January 1948, published by the Office of Military Government for Germany (US) Office of Military Governor, Berlin, the question of admissibility of "depositions" is amply commented upon. Paragraph 4 in question of this Court Letter reads:

"Required practices and procedures in trials of persons covered by this letter, in all court proceedings referred to in paragraph 3, above:

a) The accused may, but need not unless he so desires, testify in the proceedings. No comment may be made, or inference drawn, from the accused's failure to testify.

b) If the accused desires to testify, he is to be sworn, and may be cross-examined, like any witness.

c) Only depositions taken in compliance with, and conforming to the conditions contained in Article 25 and 26 of the Articles of War may be read in evidence.

d) The rules of evidence governing courts-martial of the United States Army shall apply. (See Manual for Courts-Martial United States Army, 1938 - corrected to April 20, 1943 - and TM 27-255). Non-compliance with such rules shall have the same legal consequence as non-compliance therewith in a trial by courts-martial."

In para. c) it is therefore made explicitly clear that only such depositions taken in compliance with and conforming to the conditions contained in Article 25 and 26 of the Articles of War are admissible in evidence. In para d) it is furthermore stated that the rules of evidence governing courts-martial of the United States Army shall apply and that non-compliance with such rules shall have the same legal consequence as non-compliance therewith in a trial by courts-martial.

This is what Mr. Lee S. Tillotson says on the admissibility of such "depositions" in the book "The Articles of War" (page 53):

"Article 25. Depositions; when admissible. A duly authenticated deposition taken upon reasonable notice to the opposite party may be read in evidence before any military court or commission in any case not capital, or in any proceeding before a court of inquiry or a military board, if such deposition be taken when the witness resides, is found, or is about to go beyond the State, Territory, or district in which the court, commission, or board is ordered to sit, or beyond the distance of 100 Miles from the place of trial or hearing, or when it appears to the satisfaction of the court, commission, board, or appointing authority that the witness, by reason of age, sickness, bodily infirmity, imprisonment, or other reasonable cause, is unable to appear and testify in person at the place of trial or hearing; Provided, that testimony by deposition may be adduced for the defense in capital cases".

On page 54, para IV, the same author says about capital offenses:

"6. If the penalty under any article of war is limited by executive order (M.O.M.104c) so as not to include death, though authorized by the Article itself, the offense is not capital and depositions may be used in trials for offenses thereunder; but under Articles authorizing the death penalty where no restriction has been placed thereon, depositions may not be used except for the defense (30-1282) (40-382)."

According to the above, there can be no doubt that such depositions are exclusively reserved to the Defense and not to the Prosecution in capital cases in which the death penalty is admissible without restrictions.

As regards the admissibility of affidavits, the same author says in para. V of the same page:

"7. Affidavits taken ex parte, and not as depositions under this Article, are in no case admissible in evidence unless expressly consented to by the accused with full knowledge of his rights (12-536)."

This shows that affidavits can in no case be admitted in evidence, unless the defendant has expressly consented to such a use after having been fully informed on his rights to contradict this use.

I do not ignore that it may be doubtful whether the statements in the above-mentioned court letter No. 2 have legally binding force for this Tribunal. However, there can be no doubt that they constitute an important source of knowledge for this wholly fundamental question and that we have to start from the principle that the legal protection granted the defendants before a Military Court in this basic question must be given the defendants in this trial at least to the same, if not to an increased extent.

(s) Dr. Rudolf Dix

Dr. Rudolf Dix

Nuernberg, 23. April 1948

Militaer-Tribunal VI,
Fall 6

N u e r n b e r g

Ueber: Generalsekretaer.

1030
FILED 24 April 1948 with
Secretary General

Unter ergebener Bezugnahme auf meine in der Nachmittags-
sitzung vom 22. April ausgesprochenen Bitte, den Beschluss
des Gerichts ueber meinen Antrag betreffend Anklagebeweis-
stueck Nr. 334 und Ueberpruefung der ergangenen grund-
saetzlichen Entscheidung des Tribunals ueber Zugestaend-
nisse der Angeklagten vor Beginn der Hauptverhandlung
zurueckzustellen, gestatte ich mir folgende Ausfuehrungen:

I. Zunaechst eine kurze Erwiderung auf die Ausfuehrungen
der Anklagebehoerde in ihrem Schriftsatz vom 16. April.

Dieser "rejoinder" trifft wiederum nicht den entschei-
den Punkt. Gewiss ist vor diesem Tribunal schon ueber
die Ordinance 1 der Amerikanischen Militaerregierung
diskutiert worden; jedoch nicht die Frage, ob der Zwang,
welcher in der Existenz dieser Ordinance und in der Beru-
fung auf sie durch einen Interrogator liegt, zur Folge
haben muss, wie es die Ansicht der Verteidigung ist, dass
die unter diesem "Zwang" entstandenen "admissions" durch
ihn untauglich zur Einfuehrung als Beweismittel in einer
oeffentlichen Gerichtsverhandlung werden, da sie den
von dem Gerichtshof ausdruecklich aufgestellten Grund-
satz der Freiwilligkeit solcher Zugestaendnisse aus-
schliessen. Nicht die Loyalitaet der Vernehmung oder
des Interrogators wird mit diesem Antrag angegriffen,
sondern die Zulaessigkeit eines solchen unter dem Zwang
der Ordinance 1 zustandegekommenen Zugestaendnisses als
Beweismittel in der Hauptverhandlung. Nicht die Legali-
taet dieses gesetzlichen Zwanges soll angegriffen sein,
sondern nur die spaetere prozessuale Verwendung dieses
Zugestaendnisses als eines solchen, welches unter Zwang,
wenn auch einem gesetzlichen, entstand und deshalb als
"pre-trial statement" als Beweismittel nicht einfuehrbar
ist.

II. Betreffend des von mir angekuendigten neuen Rechts-
materials:

In einem vom Office of Military Government for Germany (US),
Office of Military Governor, Berlin, veroeffentlichten
Court Letter No. 2 vom 10. Januar 1948 wird ausfuehrlich

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(10)

zu der Frage der Zulaessigkeit von "depositions" Stellung genommen. Die hier in Frage kommende Ziffer 4) dieses Court Letters lautet wie folgt:

"Required practices and procedures in trials of persons covered by this letter, in all court proceedings referred to in paragraph 3, above:

a) The accused may, but need not unless he so desires, testify in the proceedings. No comment may be made, or inference drawn, from the accused's failure to testify.

b) If the accused desires to testify, he is to be sworn, and may be cross-examined, like any witness.

c) Only depositions taken in compliance with, and conforming to the conditions contained in Article 25 and 26 of the Articles of War may be read in evidence.

d) The rules of evidence governing courts-martial of the United States Army shall apply. (See Manual for Courts-Martial United States Army, 1928 - corrected to April 20, 1943 - and TM 27-255). Non-compliance with such rules shall have the same legal consequence as non-compliance therewith in a trial by courts-martial."

In Ziffer c) ist danach ausdruecklich klargestellt, dass nur solche "depositions", die in Uebereinstimmung mit und gemass den Bedingungen der Artikel 25 und 26 der Articles of War aufgenommen worden sind, als Beweismittel zulaessig sind. Unter Ziffer d) wird darueber hinaus noch festgestellt, dass die Beweisregeln, wie sie fuer Militaergerichte der United States Army vorgeschrieben sind, Anwendung zu finden haben, und dass die Nichtbeachtung derartiger Regeln die gleichen Rechtsfolgen haben muss, als deren Nichtbeachtung in einem Verfahren vor Kriegsgerichten.

Zur Frage der Zulaessigkeit derartiger "depositions" aeussert sich Mr. Lee S. Tillotson in dem Buch "The Articles of War", Seite 53 wie folgt:

"Article 25. Depositions; when admissible. A duly authenticated deposition taken upon reasonable notice to the opposite party may be read in evidence before any military court or commission in any case not capital, or in any proceeding before a court of inquiry or a military board, if such deposition be taken when the witness resides, is found, or is about to go beyond the State, Territory, or district in which the court, commission, or board is ordered to sit, or beyond the distance of 100 Miles from the place of trial or hearing, or when it appears to the satisfaction of the court, commission, board, or appointing authority that the witness, by reason of age, sickness, bodily infirmity, imprisonment, or other reasonable cause, is unable to appear and testify in person at the place of trial or hearing; Provided, That testimony by deposition may be adduced for the defense in capital cases."

Ueber Kapitalverbrechen sagt der gleiche Verfasser auf Seite 54, Ziffer IV folgendes:

"6. If the penalty under any article of war is limited by executive order (M.C.M. 104c) so as not to include death, though authorized by the Article itself, the offense is not capital and depositions may be used in trials for offenses thereunder; but under Articles authorizing the death penalty where no restriction has been placed thereon, depositions may not be used except for the defense (30-1282) (40-382)."

Danach kann kein Zweifel bestehen, dass solche depositions in Kapitalprozessen, bei denen die Todesstrafe ohne Einschränkung zulaessig ist, ausschliesslich der Verteidigung vorbehalten sind und nicht der Anklagebehoerde.

Bezuglich der Zulaessigkeit von eidesstattlichen Erklarungen stellt der gleiche Verfasser unter Ziffer V auf der gleichen Seite fest:

"7. Affidavits taken ex parte, and not as depositions under this Article, are in no case admissible in evidence unless expressly consented to by the accused with full knowledge of his rights (12-536)."

Hieraus ergibt sich, dass eidesstattliche Erklarungen als Beweismittel unter keinen Umstaenden zugelassen werden koennen, es sei denn, dass der Angeklagte einer solchen Verwendung ausdruecklich zustimmt, nachdem er vorher in vollem Umfang ueber sein Recht, dieser Verwendung zu widersprechen, unterrichtet worden ist.

Ich verkenne nicht, dass es zweifelhaft sein kann, ob die Ausfuehrungen in dem vorerwaehnten Court Letter No. 2 fuer diesen Gerichtshof rechtlich verpflichtende Kraft haben. Es kann jedoch kein Zweifel sein, dass sie eine wichtige Erkenntnisquelle fuer diese ganz grundsuetzliche Frage bilden, und dass davon ausgegangen werden muss, dass der Angeklagte vor einem Militaergericht in dieser grundsuetzlichen Frage gewaehrten rechtlichen Schutz prinzipiell in mindesten dem gleichen, wenn nicht in erhoehtem Masse, den Angeklagten dieses Verfahrens zugestanden werden muss.

R. Dix.

(Dr. Rudolf Dix)

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MILITARY TRIBUNALS

Nurnberg, Germany

UNITED STATES OF AMERICA

Against

KRAUCH and Others (Case VI)

FILED 12 Apr 48 with
Secretary General
for Military Tribunals
Defense Center

REJOINDER TO THE REPLICATION OF DR. RUDOLF DIX TO THE ANSWER AND
COUNTER MOTION OF THE PROSECUTION TO A MOTION BY DR. DIX TO STRIKE
CERTAIN STATEMENTS AND AFFIDAVITS FROM EVIDENCE

TO: The Secretary General, Military Tribunals (Room 281).

1. This rejoinder is an answer to a replication by Dr. Rudolf Dix, dated 31 March 1948, to the prosecution's answer and counter motion, dated 27 March 1948, filed in answer to a motion by Dr. Dix, dated 16 March 1948. The original motion was, in effect, that the court strike pre-trial statements and admissions of the defendants from evidence.

2. In his replication, dated 31 March 1948, Dr. Dix states:

"Contrary to the legal questions of this problem, the legal questions of the effect of the above-mentioned Ordinance No. 1 has so far not been adequately discussed and decided upon from the angle of coercion."

What Dr. Dix means by "adequately discussed" is of course one thing. The fact that the effect of Ordinance No. 1 has been argued on several occasions during arguments before this court is another. A review of a few transcript citations should make this abundantly clear.

3. The Tribunal will recall that the first claims of non-admissibility and duress with respect to pre-trial statements were raised by Dr. Siemers concerning prosecution exhibit 11 (NI-5196), an affidavit of the defendant von SCHNITZLER. This was offered on 28 August 1947 by Mr. Dubois (T. 224). Dr. Siemers objected (T. 225-9). Concerning the interrogation of Dr. von SCHNITZLER, Dr. Siemers stated:

"It was also pointed out to him (the defendant von SCHNITZLER) that he was compelled to make statements by reason of the Rule # 1 of the American Military Government, paragraph 33. This indication I consider inadmissible and wrong. This rule only tells about the duty to inform of

of each German, but does not deal with the testimony in trial procedure. Therefore, I am of the opinion that this affidavit must be rejected by reason of my objection." (T. 229)

Although Ordinance No. 1 of the American Military Government was not expressly mentioned to the defendant von SCHNITZLER by Mr. Sprecher, the prosecution agrees that it did inform the defendant von SCHNITZLER of the normal Allied occupation policy requiring the giving of truthful information by Germans. This is shown by passages from the transcript of the interrogation of von SCHNITZLER which Dr. Siemers later read to the Tribunal on 2 September 1947:

"Q. The law of the occupying powers concerning failure to tell the truth is very stern to falsifiers - persons who tell falsehoods" (T. 302).

The Tribunal first ruled on this question on 28 August 1947 stating:

"We don't believe anything would be accomplished by discussing with the Tribunal the application of the American principles, so far as the legal objections to the admission of this affidavit is concerned that you are discussing. In other words, this is not requiring the defendant to give evidence against himself" (T. 230).

This was immediately after Dr. Siemers had pointed out his claims concerning Ordinance No. 1 at page 229 of the transcript (quoted above). On the same day (28 August 1947), Dr. Boettcher objected to prosecution exhibit 13 (NL-6524), an affidavit of the defendant KRAUCH, stating:

"I take the liberty of making basic objections which Dr. Siemers also made" (T. 242).

The Tribunal reaffirmed its ruling (T. 243). However, on the next day (29 August 1947), Dr. Boettcher again raised an objection after the prosecution had offered exhibit 16 (NL-6234), an affidavit of the defendant BUETEFISCH concerning DAG (T. 255-8). Dr. Boettcher again stated:

"Ordinance No. 1 of Military Government, Article 33, charges every German with the duty that, if the occupying authority desires, to give information; if they refuse such information they are liable to severe punishment" (T. 258).

The Tribunal again reaffirmed its position:

"The Tribunal regrets that it did not make its observations clear yesterday. To state again: It is the view of the Tribunal that proof of the admissions of a defendant, whether made in the form of an affidavit or otherwise, do not violate the rule against self-incrimination which protects a defendant from being obligated to testify against his own interest on the trial. The objection is overruled."

4. Quite apart from the fact that this clear ruling was made by the Tribunal in the first few days of these proceedings and that both the prosecution and the defense have conducted their cases accordingly, attention is also called to the following:

(a) Ordinance No. 1 of the U.S. Military Government is merely a confirmation of what would be true irrespective of whether or not such ordinance had been enacted. If the occupation and the occupational policy of any country is to be successful, it must be conducted on the basis of an effort to get at the true facts needed to further occupational policy. Under the difficult circumstances surrounding any occupation of enemy country (which any intelligence officer or normally informed soldier can confirm), an effort to get at the true facts would be fruitless unless the inhabitants were obliged to give any information whatsoever required by the occupying authorities. As has often been pointed out, the situation is entirely different than where a government friendly to the enforcement of law respecting the crimes involved was in existence when the crimes were committed. The universality of the use of admissions acquired under these circumstances has been pointed out before (among other places in our first answer to this motion).

(b) The only issue under these circumstances can be whether or not this obligation to disclose the truth has been so abused that instead of becoming a means of arriving at the truth it has been used as a means of distorting the truth. This is a question to be determined in the individual cases. In our view what ^{defense} efforts have been made in this direction in a few cases have been shown to

have been utterly miscalculated. The prosecution is proud of the professional conduct of its investigators. The interrogation transcript of defendants who have been cross examined are available at any time to the defense (as we have announced in open court).

Naturally the ^y are available to the Tribunal upon its own motion in any case where the Tribunal desires further enlightenment.

In some cases where witnesses have accused the prosecution of "leading" the interrogation ^{OR THE DRAFTING OF AN AFFIDAVIT} too much in favor of the prosecution's theory of what the facts are, we have occasionally introduced interrogations which the Tribunal can judge for itself.

5. Since specific objection is made to the SCHMITZ statement of 17 September 1943, which was incorporated in a TER MEER affidavit describing his views concerning the SCHMITZ affidavit, etc., it may be well to quote a few extracts from the transcripts of the TER MEER interrogations which were checked and initialed by the defendant TER MEER (the defendant TER MEER has had copies since the corrections were made):

(a) During the initial discussion of the question of telling the truth in interrogations, the defendant TER MEER said in his first interrogation by Mr. Sprecher of 28 March 1947:

"A It is truly difficult to follow a question immediately, to think over everything. Would you accept this?

Q. Suppose you listen to the following suggestion I have about this matter and then I will ask you exactly what you think about it. In the first place after each one of the records has been transcribed to a typewritten statement either Mr. Wolffsohn or I will bring it to you and you can go over it. If there are typographical errors you can correct them at that time in your own handwriting. And sometimes the stenographer will change it, if I mis-speak a word, she will change it and she will do exactly the same for you. Where, for instance, you stop in the middle of the sentence and then you pick up after a little mistake or something like that. But what will be important will be the record after you have seen it. Now since it is of course true that I am asking the questions or that Mr. Wolffsohn will ask the questions, you will not have as much time to think through all the relevant matters which might apply for an answer at that moment but you still will have the time to think it over clearly later on. You have before you pencil and paper. If at any time something comes to your mind, you

may make a note of it and then we will come back to it if you request.

A. All right.

Q. Furthermore, I am going to ask you to prepare certain matters along certain lines away from the interrogations. Then when we come back to further interrogation you will be quite as well prepared, no doubt better prepared, because you have lived with the matter concerning which we will interrogate you and at the most we have lived with it, ourselves, for a very short time. Now, one other thing. You notice that I speak rather slowly. If you will take your time and talk to the stenographer and when you see that she is having difficulty because you are going a little too fast, will you just slow down a little bit? I have instructed her to stop either you or me in case it is necessary.

A. Yes." (pp. 2-3)

(b) From the interrogation of 29 March 1947 after TER MEER had made certain draft studies at the request of the prosecution or turned over studies he had made for other agencies:

"Q. I will see to it that as soon as we can reproduce these or study them over, either the paper you actually submitted to me will be returned to you, or else copies thereof. I am referring to these memoranda.

A. Right, yes. This Buna question is a very complicated one and it entails a comparatively long story even for a technical man. I don't think you are a chemist, or are you?

Q. No, I'm not.

A. I thought it might be difficult to understand so I thought it might be helpful for you follow what I call the "Buna Calendar" from 1895 to 1939.

Q. Yes, Doctor I think this "Buna Calendar" will be helpful. I had noticed previously that some of this material you have incorporated in reports to FIAT, but this is a helpful outline. (pp. 6-7)

Q. Then you may continue to work on that particular one further.

A. Yes. Now I would like to ask you whether you have knowledge of a rather lengthy report, dealing especially with technical development of I.G. Farben in the years from 1933 on? This report was made in order to correct a statement made by Dr. Schmitz, president of our board of directors under the date of September 17, 1945?

Q. Yes, I believe that was an eleven page report which you had made". (p. 8)

(c) From an interrogation of 31 March 1947:

"Q. FIAT follows one form, our form will not be greatly different from the forms you used or the forms Struss

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or Kugler have used in submitting materials. You may use this form in certain statements, heading the paragraphs, and things like that. I want it to be very clear that the manner in which the materials are organized should not be in such a way that you feel prejudiced. We wish to execute an affidavit from this material and don't want you to feel in any way that the manner of organization is in any way prejudicial to you. Do you see what I mean?

A. Yes.

Q. I would not want you or anyone to feel that the manner of organization is in any way prejudicial to you. Do you see what I mean?

A. Yes.

Q. I would not want you or anyone to feel that the manner of the organization of materials was prejudicial to you because the draft forms were drafted by the prosecution.

A. I understand you." (p. 6)

(d) From the beginning of an interrogation of 2 April 1947:

"Q. This is a continuing interrogation. Dr. ter Meer has been sworn since the first day and understands that he is still under oath. Is that right?

A. Yes.

Q. Doctor I thought we might clear up for the record what has transpired since we last had a formal interrogation, just to keep it all straight.

A. Yes.

Q. I will describe the procedure as I view it and you make any comments you have concerning it. I took statements from various things you had written previously; statements from Dr. Struss and in some cases I took particular information from German publications. Then I also took your questionnaire "A" and "B". Thereafter I drew up a working draft of the materials, collected from these various sources and reduced them to a proposed narrative form. Thereafter I submitted this draft to you telling you that it was merely a suggested organization of these materials. Thereupon you took the draft and the two questionnaires you had made before, checked it over, made suggestions for adding to or subtracting from it, in order to properly give your view of the actual facts. Thereafter you took the English draft together with various annexes you worked out in English in your own handwriting, and dictated to a stenographer, a German text for a proposed affidavit. Are each of these statements correct?

A. Yes that is all correct." (p. 1)

A. Shall I keep these then? (Indicating certain draft materials)

Q. Yes. I have just been informed that the German which you dictated last evening has been transcribed. It will

be brought down to us so I think it will keep us busy for a while. Do you have anything further that you would like to state?

A. No. Everything is all right." (p. 5)

(e) From the beginning of an interrogation of 8 April 1947:

"Q. This is a continuing interrogation. You recall Dr. ter Meer that you are constantly under oath during this period?

A. Of course.

Q. I am very sorry about the fact that the prison authorities didn't allow any interrogations over the holidays because we have quite a bit of work to do. However, we can pick up speed and get a considerable lot done.

A. Yes. I didn't lose these days. I had quite a lot to do.

Q. All right. Before we go any further I would like to give you one study which I have here. It is quite long. In its broader outlines, as far as I can tell, it seems to be generally correct. You will recognize it as a history of the TEA which has been worked out by Dr. Struss. It is partly in the German and partly in the English but this fact will not bother you. It touches many of the things we have been working on. After we see how much progress we make, probably we can make more definite arrangements as to when we will talk this over further.

A. All right.

Q. I sent down to you a couple of carbon copies of the records of interrogations or did I send you only one?

A. Only one, dated 31 March 1947.

Q. We can go over that one this morning in order to make the final corrections on the original." (p. 1)

(f) From an interrogation of 9 April 1947:

"Q. And the Struss history of the TEA at which you are looking also indicates that Schnitzler began to attend at the same time, 14 March 1940. Now I agree with you, at least generally speaking, that many of these materials which Struss has collected are somewhat in the category of ancient history. I have already gone to work on a collection of materials which will be much abbreviated concerning the TEA. However, I don't want to go forward with it until I have back the English of the translation which you and Miss Galewski have been working on but as soon as I see her draft of the translation I will put these two things together and submit them to you for your reactions. Then at that time you may make whatever suggestions and additions you have that you think are relevant. As usual I will put into this draft, statements which I find either in your statements or from other sources just as a means of directing your attention to matters. If the statements which you have made or which some one else has made are wrong, of course, I expect you to point that out and also to point out if I have in any way misconstrued these statements. You understand that?

A. Yes, I understand that" (p. 3)

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(g) From the end of the last interrogation of 2 May 1947:

"Q. Now, do you have anything further concerning any of the affidavits which you have executed before me, which you would like to raise or add at this time?

A. No, I have nothing.

Q. I have to do some further work and some further interrogations of other individuals, therefore, I do not know how active I can continue to be in any further interrogations of you. But I have told you before and I repeat again that if you have any special desires, you are free to address a note to me requesting interrogation or else submitting in writing any further material which you may have in your own mind.

A. Thank you.

Q. Do you have anything further at the present moment you would like to discuss?

A. Not for the time being, thank you.

Q. Then I think that will be all." (pp. 14-15)

6. These extracts from the TER MEER interrogations indicate the general spirit and manner of how the prosecution has gone about securing affidavits through pre-trial interrogations "in order to properly give your view (the defendant's view) of the actual facts" (see last question [Qⁿ] to the defendant TER MEER quoted on page 6, *infra*). There necessarily are minor variations in the nature and methods of interrogation, depending on the intelligence and responsiveness of the person interrogated and depending on the interrogator's reaction to the person being interrogated. Naturally the attention of the person being interrogated is drawn to pertinent topics in order to get a relevant reaction, whether true or false. Naturally the affidavits which are drawn up are initially directed to topics which the prosecution thinks are relevant, but the person interrogated is given the opportunity to add topics which he thinks are relevant and to make what he asserts are both corrections and necessary supplementations. Often reports or essays which the ^{Person}interrogated had made away from the interrogation are incorporated in the affidavit (as in the case of numerous TER MEER affidavits, including exhibit 334). Often in view of contemporaneous documents and also in the view of the prosecution, many of the statements

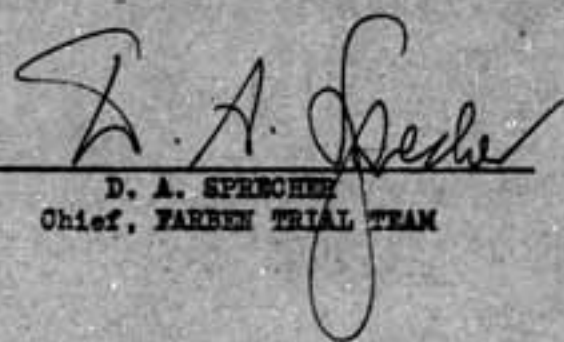
which a particular affiant makes are not correct. But in order to obtain admissions or statements which may later be used to help make the discovery of the truth easier, the final affidavit of necessity incorporates "your view (the view of the person being interrogated) of the actual facts". Affidavits from defendants and from witnesses adverse to the prosecution have assisted greatly the pursuit of the truth in these and other war crimes trials. Often they contain important admissions concerning the most basic issues. Other times, when taken in connection with other proof, they indicate quickly areas in which there can be no dispute. Often they contain incorrect material which the Tribunal must weigh as against the true facts as established by more creditable evidence. Unfortunately no rule of thumb can be applied generally in weeding out the wheat from the chaff, or the truth from falsehood, in these affidavits or the interrogations - no more than these cases can be tried by "trial by oath" in which the issues are decided according to how many persons will stand up for the accused. But to remove from the consideration of the trier of fact the pre-trial statements of a defendant (particularly given the specific difficulties and complications of ^{The} investigation of the truth in these cases) would lead to the greatest of complications; it would alter substantially the theory upon which these cases have been tried by several of the Allied powers; it would mean that additional evidence would have to be submitted in lieu of these affidavits; and, in our view, it would render a great disservice to the progress of justice in the field of international law. We feel that this view has been universally upheld by all the law reports concerning war crimes trials, some of which have previously been cited to this Tribunal.

7. Since one or more defense counsel have implied that the SCHMITZ statement of 17 September 1945 was "brought in the back door" by the prosecution through the introduction of the TER MEER affidavit (exh. 334), the Tribunal is asked to note that the interrogation of the defendant TER MEER of 29 March 1947 (quoted at page 5, *infra*)

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shows that the defendant TER MEER himself first connected the SCHMITZ statement to his report on the development of Farben after 1933, both of which were therefore incorporated in the TER MEER affidavit, exhibit 334, along with other materials.

By:


D. A. SPRECHER
Chief, FARBER TRIAL TEAMHurnberg 16 April 1948
Date

For:

TELFORD TAYLOR
Brig. Gen. USA
Chief of Counsel

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FILED *April 1948* with
Secretary General
for Military Tribunals
Defense Center

Dr. Rudolf Dix
Defense Counsel
(Case 6/Dr. H. Schmitz)

Nurnberg 31 March 1948

To
Military Tribunal VI
Case 6
N u r n b e r g

Subject: Reply of the Prosecution to my motion,
dated 16 March, filed on 20 March 1948.

This reply does in no way take issue with the salient point of my above-mentioned motion, i.e. the viewpoint of coercion pursuant to Order No. 1 of the US Military Government for the US Occupied Zone, dated 16 August 1945, compare pages 6 and following of the English text of my motion.

There will be no cause for the Tribunal, on the basis of the Prosecution's reply to my above-mentioned application, to modify with respect to co-defendants its previous decision as to the evidential value of such statements and affidavits of defendants who do not go to the witness-stand, since this decision was reached on the basis of detailed considerations of the Tribunal and adequate ample comments of the parties. Contrary to the legal questions of this problem, the legal question of the effect of the above-mentioned Ordinance No. 1 has so far not been adequately discussed and decided upon from the angle of coercion.

(s) R. Dix

Dr. Rudolf Dix
Verteidiger
(Fall 6/Dr.H.Schmitz)

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FILED 1 April 1948 with
Secretary General
Nurnberg, den 31. März 1948
Defense Center

An das
Militärtribunal VI
Fall 6
Nürnberg

Betrifft: Antwort der Anklagebehörde auf meinen Antrag vom 16. März,
überreicht am 20. März 1948.

Diese Antwort setzt sich in keiner Weise auseinander mit dem springen-
den Punkt meines oben genannten Antrages, nämlich mit dem Gesichts-
punkt des Zwanges aufgrund des Befehls Nr.1 der Amerikanischen Militär-
regierung fuer die amerikanisch besetzte Zone vom 16. August 1945 -
vergleiche Seite 6 ff. des englischen Textes meines Antrages.

Das Gericht wird keinen Anlass nehmen, aus der Antwort der Anklage-
behörde auf meinen oben erwähnten Antrag die Folge zu ziehen, seine
fruehere Entscheidung ueber die Beweiswirkung solcher Feststellungen
und eidesstattlicher Versicherungen von Angeklagten, die nicht in den
Zeugenstand gehen, gegenueber Mitangeklagten einer Aenderung un-
terziehen, nachdem diese Entscheidung nach eingehenden Erwaegungen des
Gerichts und entsprechender ausfuehrlicher Stellungnahme der Parteien
erfolgt ist. Im Gegensatz zu den Rechtsfragen dieses Problems ist
die Rechtsfrage der Wirkung der oben genannten Verordnung Nr.1 unter
dem Gesichtspunkt des Zwanges bisher noch nicht entsprechend er-
coertert und entschieden worden.

R. Dix

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FILED 31 March 1948 with
Secretary General
for Military Tribunals
Defense Center

MILITARY TRIBUNALS

Nurnberg, Germany

UNITED STATES OF AMERICA

Against

KRAUCH and Others (Case VI)

ANSWER TO MOTION BY DR. RUDOLF DIX TO STRIKE PRE-TRIAL STATEMENTS
OF THE DEFENDANTS FROM EVIDENCE - COUNTER MOTION BY PROSECUTION

TO: The Secretary General, Military Tribunals (Room 281)

1. Answer is made to a motion by Dr. Rudolf Dix (counsel for the defendant SCHMITZ and general spokesman for the defense counsel), dated 16 March 1948 (a note from Captain Rice states that this motion was submitted to the Tribunal on 30 March 1948). Although the motion begins by requesting that certain portions of an affidavit of the defendant TER MEER (PE 334) be stricken, the last half of the motion is a request to the Tribunal to reexamine its prior decision concerning admissibility in evidence of pre-trial statements by the defendants.

2. Since the arguments of Dr. Dix concerning the general proposition have been urged in this case a number of times with many variations, we are somewhat surprised to see it raised again at this stage of the case. Unless the Tribunal thinks the matter important enough at this point to deserve further definitive briefing, the prosecution will merely point out a few examples to show that the admissibility of pre-trial statements in war crimes trials under international law has become commonplace. There are special difficulties in eliciting the truth in war crimes trials, where the acts were committed within the physical jurisdiction of a state which encouraged or tolerated the crimes, and where much of the investigation can be conducted only after the criminal state (in which the crimes were principally engineered) has been occupied and institutions established to accommodate justice and the rule of law. Indeed, it would pay scant tribute to justice to alter in this case

the established and accepted rules of evidence in this regard, particularly by drawing upon one or more of the often conflicting variations of exclusionary rules of criminal procedure developed (and often altered) under the jury system of Anglo-Saxon criminal law. Merely to illustrate the universality of the practice of admitting pre-trial statements by defendants in evidence, in war crimes trials under international law, the prosecution will cite herein a few extracts from Volume I of "LAW REPORTS OF TRIALS OF WAR CRIMINALS, Selected and Prepared by the United Nations War Crimes Commission" (London, His Majesty's Stationery Office, 1947).

A. The Dostler Case before a United States Military Commission in Rome, October 1945.

"... the notes of a preliminary interrogation of General Dostler were also allowed as evidence." (P. 26, Vol. I)

B. The Almelo Trial before a British Military Court in Holland, November 1945.

"Written statements made to Lt. Col. Hill by the four accused were put in as evidence for the Prosecution. The accused had not been cautioned by Lt. Col. Hill". (P. 37, Vol. I)

"By virtue of Regulation 8 (i) of the Royal Warrant, the court admitted in evidence, inter alia, pre-trial statements made by the accused to a British investigating officer". (P. 42, Vol. I) (The British Royal Warrant of 14 June 1945, as amended by the Royal Warrant of 4 August 1945, is similar to Ordinance No. 7 with respect to the admission of any evidence which the reasonable man would deem to have probative value.)

C. The Hadamar Trial before a United States Military Commission at Weisbaden, Germany, October 1945.

"In his pre-trial statement, Klein, (the first named defendant) had said that personnel were entirely free to leave Hadamar at any time. In his testimony he qualified this by testifying that he had said so because he was told before he made the pre-trial statement that the personnel had made statements that he, Klein, had always given orders to them to have the Russians and Poles killed, and that he had threatened them several times with concentration camp if the work was not done". (P. 49, Vol. I)

"In his statement prior to trial, however, Buoff (the third named defendant) made no mention of efforts to leave" Hadamar. (P. 50, Vol. I)

(Note: Buoff's failure to state this defense in his pre-trial statement is mentioned in connection with an attempted defense by the defendant that he had attempted to leave the Hadamar "slaughter house" but that his requests were refused.)

3. The Mediterranean Regulations (Mediterranean Theater of Operation) concerning the trials of war criminals likewise indicate the established practice of prescribing rules reasonably calculated to meet the requirements of the circumstances and of justice. Regulation 10 (h) provides:

"Confessions are admissible without proof of circumstances or that they were voluntarily made. The circumstances surrounding the making of a confession may be shown by the accused and such showing may be considered in respect of the weight to be accorded it, but not in respect of its admissibility". (P. 118, Vol. I, Law Reports of Trials of War Criminals.)

4. In war crimes trials under international law which involve collective responsibility (such as where the whole Vorstand is involved, for example), a more pertinent matter which this Tribunal may desire to reconsider is whether or not admissions by one of the persons involved in a criminal course of action is not prima facie evidence against all defendants effected by the admission unless the other defendants meet and properly rebut this prima facie evidence. In this connection the prosecution cites as analagous Regulation 8 (ii) of the British Royal Warrant:

"Where there is evidence that a war crime has been the result of concerted action upon the part of a unit or group of men, then evidence given upon any charge relating to that crime against any member of such unit or group (our emphasis) may be received as prima facie evidence of the responsibility of each member of that unit or group for that crime. In any such case all or any members of any such unit or group may be charged and tried jointly in respect of any such war crime and no application by any of them to be tried separately shall be allowed by the Court". (P. 108 and 109, Vol. I, Law Reports of Trials of War Criminals.)

This Tribunal has ruled that an admission in a pre-trial statement is not to be considered in evidence as against other defendants unless the defendant-declarant takes the stand and is subject to

cross examination. In our opinion this limitation upon the effect of an otherwise admissible piece of evidence under international law was first applied by this Tribunal.

5. With respect to the request by Dr. Rudolf Dix that the SCHMITZ statements within the TER MEER affidavit be stricken from evidence, it seems to us that little need be said, except to get to the point of the facts involved which are clearly shown by the TER MEER affidavit (PE 334) itself. The defendant TER MEER states:

"On 12 March 1946 Dr. Hermann Schmitz, disclosed that he had subscribed to a statement by the American Authorities on 17 September 1945 concerning the activities of I. G. Farben during the Regime, and he produced what he described as an exact copy of this memorandum (our emphasis). The text of this statement by Dr. Schmitz follows:" (Document Book 12, E.p. 128, G.p. 131).

The other Farben officials interned with the defendant SCHMITZ in Kramsberg at that time understood the importance of this statement and they proceeded to take further action. As the defendant TER MEER states in his affidavit:

"This statement (of SCHMITZ) caused great concern among the entire group of I.G. Farben leaders since it was believed that the statement contained errors and wrong conclusions ... We decided to work out a complete statement in which we gave the right interpretation of the matter". (Document Book 12, E.p. 129, G.p. 132).

At the time defendant SCHMITZ refused to modify his own statement or to join in the TER MEER statement to the authorities (was included in PE 334), as is stated in paragraph 5 by the defendant TER MEER:

"Dr. Schmitz was at the time we handed many statements to him not willing to agree to it because, not being a technical expert, he was uncertain whether my statement was a complete and true explanation of the facts involved". (Document Book 12, E.p. 147, G.p. 149).

Later SCHMITZ did submit a further explanation of several pages, which is also given in PE 334 (Document Book 12, E.p. 147-152, G.p. 149-154), making qualifications principally induced by his Vorstand

colleagues in Kronsberg.

6. These two SCHMITZ statements, the second of which followed the period of discussions in Kronsberg between a number of leading Farben people, and which also followed the TER MEER statement to FIAT, are an inseparable part of this whole episode related in PE 334. The importance to be attached to the TER MEER report to FIAT has much less meaning without the first statement of the defendant SCHMITZ which gives rise to the TER MEER report.

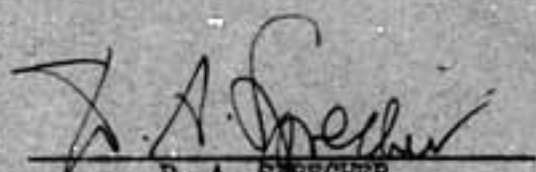
7. But quite apart from this, the statement which SCHMITZ handed over to TER MEER, stating that it was an exact copy of an original given to the authorities, is certainly a properly qualified admission. Statements by counsel concerning what the defendant SCHMITZ now claims to think are not in evidence. Moreover, if the Tribunal thinks there is any question whatsoever concerning the authenticity of the SCHMITZ statement, the prosecution will attempt to clarify the whole matter by obtaining an affidavit from Mr. Weissbrodt, to whom the original SCHMITZ statement was given. However, in our view, the value of the SCHMITZ statement can only be ascertained by comparing it to the contemporaneous documents concerning (a) Farben and the Four Year Plan; (b) Farben's work on mob plans; (c) Farben's collaboration with the Reich with respect to exchanging "know-how", etc., etc. This is important in order to understand the concern of the defense with respect to the SCHMITZ statement of 1945 and to measure the credibility of many of the statements by other defendants on these topics made before this Tribunal. The same thing may be said of a comparison of the contemporaneous documents with (1) the admissions of the defendant von SCHNITZLER; and (2) the testimony of many of the other defendants before this Tribunal.

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8. WHEREFORE, it is respectfully submitted that this motion should be denied in its entirety.

9. The prosecution takes this occasion to request the Tribunal to reconsider its ruling that admissions in pre-trial statements by defendants should not be considered in evidence as against other defendants unless the defendant-declarant takes the stand and is subject to cross examination. The prosecution requests the Tribunal to rule that such pre-trial statements are admissible as evidence against all defendants; and the fact that any defendant-declarant has not been cross examined on any such statement will be considered in weighing the probative value of such statement.

By:


D. A. SPEECHER
Chief, FARREN TRIAL TEAM

For:

TELFORD TAYLOR
Brig. Gen. USA
Chief of Counsel

Murnberg

27 March 1948

(Date)

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Copy

September 17, 1945

STATEMENT

by

Geheimrat Dr. Hermann Schmitz

Before Hitler, Germany was in an economic crisis and our investments were abnormally low. As soon as Hitler came into power, things began to change and our investments grew. At first they began to rise slowly, but with the beginning of The Four Years Plan in 1936, they started to jump rapidly, and in 1938 they grew to an extent of approximately RM 500,000,000. It was absolutely clear that our new investments were tied up with the armament program. For example, in regard to magnesium and buna and benzine, and high octane gasoline, all this was done for Wehrmacht purposes. Therefore, it can be said that our whole investment policy since Hitler came into power was tied up with the Wehrmacht.

I was concerned about the financing and I wanted to keep down our finances as much as possible, and therefore I insisted on getting favorable amortization rates and on making sure that the new investments did not bring us to financial ruin. In this we were successful, and our new investments were made on favorable financial terms. For example, in regard to the buna plant at Huels, we ourselves provided the capital of roughly 100 millions of which I.G. Farben took 74 per cent and Hibernia 26 per cent (Hibernia belongs to the State), and all the other money was financed by a loan of the Wehrwirtschaftsministerium, and we have other big loans from banks. This company has not provided much dividends. I do not remember that they were higher than 5 per cent, and in the last year I think they did not pay a dividend at all. To give another example, Schopau paid after a certain number of years 5 per cent dividends and later on we made a contract for Schopau that the profits were pooled. But in Huels and Schopau, both typical, the depreciations are considered to be normal.

So important did our work for the Wehrmacht become from the beginning, that in 1935 we had to set up a department called the Vermittlungsstelle W to handle affairs between the different works of the I.G. and the Wehrmacht, and I believe it was Mr. Knieriem who took the matter up before the Central Ausschuss to establish the Vermittlungsstelle W, and I believe it was Mr. Krauch who was put in charge of the Vermittlungsstelle W. In 1936 Goering asked for an I.G. man to help him with the Four Years Plan and I discussed the matter with Bosch and we finally agreed that it would be better to have an I.G. man in charge and therefore we placed Krauch at Goering's disposal. And I remember that a few years ago when I attended Goering's birthday party, Goering said to me "I thank you very much that you have given me Krauch." And I am certain that Goering had complete trust in Krauch.

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Early in 1934 at the order of the Ministry of Economics and the Ministry of War, I.G. prepared its MOB plans. These MOB plans were production plans in the case of war, and it was understood that they would go into action as soon as war broke out. These plans applied to all German industry and it can be said that all German industry was mobilized for the event of war by Hitler from the beginning. I.G. like all German industry had to follow the policies of the Government, and we did. In my opinion, the Government armed for war to the fullest possible extent, and since the chemical industry was so important for war, I.G. had to devote itself completely to making Germany as strong as possible with the rest of the German chemical industry.

While it is true that Krauch was at all times an official of the I.G. at the same time that he was with Goering, and he was paid by I.G., in my opinion Krauch was absolutely loyal to Goering and he made a magnificent contribution to Goering's Four Years Plan for the chemical industry. It must be emphasized here that the Government was a totalitarian government and that I.G. had at all times to follow the policies of the Government so that when we made an agreement on an international basis, that agreement was subject to the approval of the Government and we were well aware of the policies of the Government and we had to follow that policy. I.G. especially, because of its international position, was a very important factor to be used by the Nazi Government, for I.G. was the greatest provider of foreign exchange for the Government and the Government wanted that foreign exchange in order to buy the necessary raw materials for Goering's Four Years Plan and food for the people and the army. Therefore, when I.G. entered into an agreement, especially if it was in the military sector of chemistry, it was done in complete agreement with the Government. I.G. could not make an important agreement on a private basis and our important agreements followed the lines of the Government. For example, our relations in regard to synthetic rubber, buna, with Standard Oil were closely followed by the Government and we pursued the lines of the Government. And it is clear that the Government did not want America to get the buna know-how. It was absolutely clear that insofar as international agreements were concerned in the chemical field that the Government wanted us to keep the Wehrmacht here as strong as possible and to keep certain other nations of the world as weak as possible. By 1938 the size of Germany's military expansion reached very great proportions and the danger became more and more that Hitler's purpose was more than a re-armament purpose and that he was planning to use the army for making war.

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TRANSLATION OF MOTION DR. DIX

Dr. Rudolf DIX
Defense Counsel
Case 6 (Dr. SCHMITZ)

To the Military Tribunal VI
Case 6
Nuremberg.

Nuremberg, 16 March 1948.

Stamp:
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Filed 22 March 1948 with
Secretary General for Mi-
litary Tribunal's Defense
Center.

Re: Motion to cancel Prosecution Document NI-5187,
Prosecution Exh. 334, as far as the statement of the
defendant SCHMITZ of 17 Sept. 1945 is contained
therein.

On 10 September 1947 the Prosecution offered to the Tribunal in evidence the Doc. NI-5187 as Pros. Exh. 334. At that time Herr GIERLICH attempted to bring about a statement by the Prosecution, whether with the presentation of this document it was intended ^{to} to introduce the statements of Dr. ter HEE in evidence or whether indirectly also the statement of the defendant SCHMITZ of 17 Sept. 1945 contained in this document was intended to be made part of the evidence. In this connection Herr GIERLICH pointed out that it has not been established, whether the statement SCHMITZ in the form cited in this doc. NI-5187 agrees actually with the original statement, since the original did not remain in the hands of Herr SCHMITZ. He pointed to the fact that this document at first was drafted by one of the interrogators and not by SCHMITZ himself and that several changes were made before the defendant SCHMITZ made up his mind finally to sign it. Also it was referred to the fact.

TRANSLATION OF EXHIBIT DR. DIX

that the history of this statement SCHMITZ of 17 September 1945 is given in the 2nd statement SCHMITZ of 26 August 1946 in which he revoked the first statement and which also forms a part of document NI-5187. The High Tribunal then admitted the document NI-5187 at first only for identification and reserved the decision as to admittance in evidence until the Defense Counsel and the Prosecution would have time to clear up the aforementioned questions by themselves. In fact such a conference between Prosecution and Defense Counsel did not take place, rather has the Prosecution at the session of 25th November 1947 in dealing with documents at first admitted only for identification, offered these documents anew with the statement that it had been possible in the meantime to clear up some of it. Among these is also the document NI-5187 admitted by the High Tribunal in evidence.

Unfortunately neither Herr GIBRLICH nor I were present at that session ; so that we could not object against the admittance of this document as far as the statement SCHMITZ of 17 Sept. 1945 contained therein, was concerned.

On the ground of the authorization granted by the High Tribunal to raise objections against the admissibility of documents also after documents have been accepted in evidence by the Tribunal , I should like to-day to bring up this objection , limiting it to that part of the document which forms the statement SCHMITZ of 17 September 1945.

TRANSLATION OF MOTION BY DIX

The reasons for this objection are as follows:

1.) The defendant SCHMITZ is not sure, whether the statement given to Herrn Dr. ter MEER actually is an exact copy of the final draft of the statement. As has already been stated above this statement was not drafted by the defendant SCHMITZ himself, but by Dr. WEISSBRODT and finally signed by Dr. SCHMITZ after corrections had been made, in order - as he says in his statement of 26 August - to avoid the impression that he was not willing to cooperate in clearing up the business transactions of the I.G.

I submit in the enclosure a copy of the original draft dictated by Dr. WEISSBRODT, from which can be seen clearly how far it differs from the later draft contained in document HI-5137. At the same time, comparison of both statements makes it clear, why some of the statements in the later draft are more or less disconnected, because the original construction of the statement as drafted by Dr. WEISSBRODT has been changed through crossings and alterations. This comparison of both statements also reveals the tendency expressed in the first draft to lay down in a general statement by the defendant SCHMITZ, even pertaining to technical matters for which

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TRANSLATION OF MOTION DR. DIX

SCHLITZ was entirely incompetent, a general admission of guilt on the part of the I.G.

2.) Furthermore I wish to point out that at the time of signing the statement the defendant SCHLITZ was in a physical and nervous condition, which in my judgment makes it impossible to use this statement, later also revoked by him, as evidence material. Immediately after signing of this document SCHLITZ suffered a serious nervous breakdown, the particulars of which are also contained in the second statement SCHLITZ of 26 August 1946. I move that the High Tribunal may request the personal files of the defendant SCHLITZ, which also must show that SCHLITZ at the time of signing the statement of 17 September 1945 was in a condition precluding the use of the statement against him and his codefendants.

May in this connection draw the attention of the Tribunal to the statements made by American medical experts also available in the files of the Court, who agree that SCHLITZ only with the aid of his defense counsellors and supported by his files is able to express himself and who further point out that any pressure - also merely temporarily exerted - would upset and excite him.

TRANSLATION OF MOTION DR. DIX

Therewith, however, a condition is erected which makes a responsible utterance of the defendant impossible.

3.) However, I also feel myself obliged by my conscience as a Defense Counsel to submit once more to the Tribunal the general question of the admissibility of introducing statements by the defendant in evidence, with the request that it reexamine the decision which was made earlier on this question.

In the morning session of 28 August 1947 Dr. SIEMERS already pointed out that in his opinion it was not permissible under Anglo-Saxon law to force a defendant to give witness against himself and in support of this he referred to Article 5 of the Amendments to the Constitution of the United States. Concerning this point he quoted at the same time a passage from the book "Federal Criminal Law" by William Atwell to which for the sake of simplicity I shall also refer. In my opinion this provision is not only valid for the trial itself but also in every preparatory phase of the trial. However, the statement of the defendant SCHLITZ and also all the affidavits of his fellow defendants were made without the persons concerned having been warned in advance that their statements could be used in a trial against them.

TRANSLATION OF MOTION

and without their attention being called to the fact that they had the right to refuse to make a statement. On the contrary, extraordinarily severe coercive measures were used against them to obtain a statement. In connection with this I am not thinking now of specific measures used by interrogators which were understood by various defendants as pressure or duress, or similar conduct on the part of the Prosecution. The coercion mentioned by me here, which excludes any really voluntary action, resulted from the conditions which existed after the collapse and still exist today in Germany as a conquered and occupied country. It resulted directly from an inadmissible application of Order No. 1 of the Military Government for the American Occupation Zone of 16 August 1945 and, more specifically, from Article 11 which reads as follows:

"The following offenses are punishable by such penalty other than death as a Military Government Court may impose:

.....

- 33.) Knowingly making any false statement, orally or in writing, to any member of, or person acting under the authority of, the Allied Forces in a matter of official concern, or in any manner defrauding, or refusing to give information required by, Military Government."

Instead of having been informed of their right as defendants to refuse to make a statement the defendants generally had their attention called very emphatically to this provision before their interrogations and on occasion these warnings were even taken down in the transcript

TRANSLATION OF MOTION.

of the interrogation. Under these circumstances the statement contained in the transcripts of the interrogations, or in affidavits which were given, to the effect that the statement was made voluntarily and without duress signifies a contradiction in itself. The duress resulted directly from the application of a statutory provision which cannot be applied to defendants. It would have been necessary and correct to call the attention of the defendants expressly to the fact that this statutory provision could not be applied in their case, whereas they, on the contrary, were given the impression by the references to the provision preceding the interrogations that they would render themselves liable to punishment by refusing to make a statement or by making a statement which was not complete and in accordance with the truth and that, indeed, any penalty other than death, and so even a sentence of life imprisonment, could be imposed on them for a violation of this order. In my opinion the interrogations of the defendants which were made on the basis of this order are not only contrary to the amendment of the American Constitution, Art. 5, but are also in contradiction to a legal principle which can be regarded as the common property of all civilized nations.

In the afternoon session of 28.8.1947 the Tribunal itself through its President made it evident that it considers statements by defendants admissible only if they are made voluntarily. I quote:

"The Tribunal did not undertake to say that affidavits in all cases were admissible. There might be many objections, but as against the objection, that to admit the affidavit would put the defendant in the position of testifying against himself in violation of fundamental rights, we simply said that admissions are not within the category of fundamental rights to the extent that a defendant may not be called to testify against himself. Recognizing the fact that a defendant may not be compelled to offer evidence against himself, it is very generally held that admission of his voluntary statements does not violate that principle. That is as far as we intended to go, and I believe perhaps that that is an answer to the question that Counsel for the defendant has propounded to us at this time."

This attitude makes it clearly evident that the use of statements by defendants, no matter in what way they are given, whether as interrogations, affidavits or simply as statements, is only considered admissible by the Tribunal if they are voluntary statements. This voluntary character, however, is excluded if the statement was obtained by coercion through the, in my opinion, inadmissible application of a statutory provision which threatens any penalty other than the death penalty.

4.) However, in specific consideration of the statement of the President of 28.8.1947 I again call attention to the fact that even there it is recognized that the defendant cannot be compelled to testify against himself, that only the proof of a former confession is admissible. The latter is also my opinion. Only this "admissible evidence" cannot be obtained in an inadmissible way, that is, not by violating

the rule that the defendant's voice cannot be heard in the main proceedings against his will, either directly from the witness stand or indirectly through a document containing the defendant's own statements. If this rule is applied even to a former statement by a defendant which was really given of his own accord it is to be applied all the more if this former statement was made under coercion, and indeed as in the present case under the coercion of a law (of 16.8. 1945), and so certainly not voluntarily. This has nothing to do with the fact that voluntary confessions by defendants are relevant and as such may be proved with admissible evidence, that is, affidavits by third parties or by other witnesses, and such means of proof are admissible on general principles.

I therefore request the Tribunal to reexamine once again the question of the admissibility of the defendant's affidavit in consideration of the preceding arguments.

signed: R. DIX

(Dr. Rudolf DIX)

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TRANSLATION OF MOTION.

CERTIFICATE OF TRANSLATION.

23. March 1948.

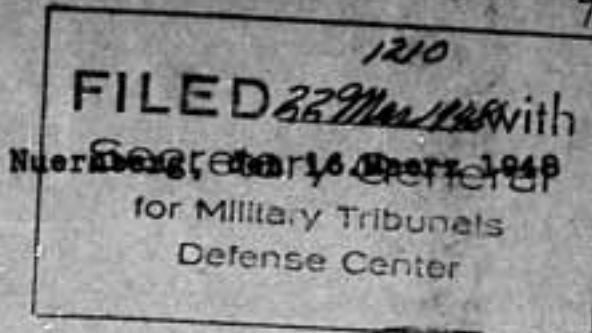
We, Adolph LUSTHAUS AGO-No. B 398 010 and John B. ROBINSON, AGO-No. X-046 350 hereby certify that we are duly appointed translators for the German and English languages and that the above is a true and correct translation of the Motion Rudolf DIX.

Adolph LUSTHAUS
AGO-No. B 398 010

John B. ROBINSON
AGO-No. X-046350

Dr. Rudolf Dix
Defense Counsel
Fall 6 (Dr. Schmitz)

An das
Militärtribunal VI
Fall 6
N u e r n b e r g



Betrifft: Antrag auf Streichung des Anklagedokuments
NI-5187, Anklagebeweisstueck 334, soweit
darin das Statement des Angeklagten Schmitz
vom 17. September 1945 enthalten ist.

Am 10. September 1947 bot die Anklagebehörde das
Dokument NI-5187 als Anklagebeweisstueck 334 dem
Hohen Gerichtshof an. Herr Gierlichs hat damals
den Versuch unternommen, eine Stellungnahme der
Anklagebehörde dazu herbeizufuehren, ob mit der
Vorlage dieses Dokuments nur die Aussagen von Herrn
Dr. ter Meer zum Gegenstand der Beweisfuehrung ge-
macht wuerden, oder ob damit auf indirektem Wege
auch das in dem Dokument enthaltene Statement des
Angeklagten Schmitz vom 17. September 1945 einge-
fuehrt werden solle. Herr Gierlichs hat in diesem
Zusammenhang darauf hingewiesen, dass nicht fest-
gestellt sei, ob das Statement Schmitz in der Form,
wie es in dem Dokument NI-5187 zitiert wird, tat-
saechlich mit dem abgegebenen Originalstatement ueber-
einstimmt, da dieses Original nicht in den Haenden
des Angeklagten Schmitz geblieben ist. Er hat auf
die Tatsache hingewiesen, dass dieses Dokument zu-
nuechst von einem der Interrogatoren und nicht von
Schmitz selbst entworfen wurde und dass mehrfach
Aenderungen vorgenommen wurden, ehe sich der Ange-
klagte Schmitz entschloss, es schliesslich zu unter-
zeichnen. Es ist auch darauf hingewiesen worden,

dass die Geschichte dieses Statements Schmitz vom 17. September 1945 teilweise in der 2. Erklärung Schmitz vom 26. August 1946, mit der er die erste Erklärung widerrief, und die ebenfalls einen Teil des Dokuments NI-5187 bildet, dargelegt sei. Das Hohe Gericht hat damals das Dokument NI-5187 zunächst nur zur Identifizierung zugelassen und die Entscheidung über die Zulassung als Beweisstück zurückgestellt, bis die Anklagebehörde und die Verteidigung Gelegenheit gehabt hätten, die vorerwähnten Fragen untereinander zu klären. Tatsächlich hat eine Besprechung dieser Frage zwischen Anklagebehörde und Verteidigung nicht stattgefunden, vielmehr hat die Anklagebehörde in der Sitzung vom 25. November 1947 bei der Behandlung einiger zunächst nur zur Identifizierung zugelassener Dokumente mit der Erklärung, dass es inzwischen möglich gewesen sei, einiges davon in Ordnung zu bringen, diese Dokumente erneut angeboten. Unter ihnen befindet sich auch das Dokument NI-5187, das von dem Hohen Gerichtshof als Beweismittelmaterial zugelassen worden ist.

Unglücklicherweise waren in der damaligen Sitzung weder Herr Gierlich noch ich selbst anwesend, so dass wir keinen Einspruch gegen die Zulassung dieses Dokuments, soweit es sich um das darin enthaltene Statement Schmitz vom 17. September 1945 handelte, vorbringen konnten. Aufgrund der von dem Hohen Gerichtshof erteilten Ermächtigung auch nach Annahme von Beweisdokumenten durch das Gericht noch nachträglich Einwendungen gegen ihre Zulässigkeit zu erheben, möchte ich diesen Einspruch heute nachholen und zwar unter Beschränkung auf den Teil des Dokuments,

der das Statement Schmitz vom 17. September 1945 darstellt. Zur Begründung dieses Einspruchs trage ich folgendes vor:

1.) Der Angeklagte Schmitz ist sich nicht im Klaren darüber, ob das seinerzeit Herrn Dr. ter Meer aus-
gehaendigte Statement tatsaechlich eine genaue Ab-
schrift der endgueltigen Fassung dieses Statements
darstellt. Wie oben schon ausgefuehrt, ist dieses
Statement/^{nicht} von dem Angeklagten Schmitz selbst, sondern
von Mr. Weissbrodt entworfen worden und nach Vornahme
von Korrekturen schliesslich von Schmitz unterzeich-
net worden, um - wie er in seiner Erklaerung vom
26. August sagt - den Eindruck zu vermeiden, dass
er nicht zur Mitarbeit an der Aufklaerung der Ge-
schaeftsvorgaenge der I.G. bereit gewesen sei.

Ich ueberreiche anliegend einen Durchschlag des ur-
spruenglichen, von Mr. Weissbrodt diktierten, Entwurfs,
aus dem sich klar ergibt, wie weit sich dieser von
der in dem Dokument NI-5187 enthaltenen spaeteren
Fassung unterscheidet. Gleichzeitig wird aus einem
Vergleich der beiden Statements deutlich, warum
manche der Feststellungen in der spaeteren Fassung
des Statements mehr oder weniger zusammenhanglos
sind, weil der urspruengliche Aufbau des Statements,
wie es von Mr. Weissbrodt entworfen worden war, durch
die Streichungen und Aenderungen veraendert worden
ist. Dieser Vergleich der beiden Statements laesst

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aber auch die in dem ersten Entwurf zum Ausdruck kommende Tendenz erkennen, in einer generellen Erklerung des Angeklagten Schmitz, die sich noch dazu fast ausschliesslich auf technischem Gebiet, fuer das er voellig unzustendig war, bewegt, ein generelles Schuldbekenntnis der I.G. niederzulegen.

2.) Ich weise ferner darauf hin, dass sich der Angeklagte Schmitz bei der Unterzeichnung der Erklerung in einer gesundheitlichen und nervlichen Verfassung befand, die es m.E. unmoeglich macht, diese von ihm spaeter auch zurueckgezogene Erklerung als Beweismaterial zu verwenden. Unmittelbar nach der Unterzeichnung der Erklerung erlitt Schmitz einen schweren nervoesen Zusammenbruch, dessen Einzelheiten ebenfalls in der zweiten Erklerung Schmitz vom 26. August 1946 enthalten sind. Ich beantrage, das Hohe Gericht moege die Personalakten des Angeklagten Schmitz anfordern, aus denen sich ebenfalls ergeben muss, dass sich Schmitz zur Zeit der Unterzeichnung der Erklerung vom 17. September 1945 in einer Verfassung befand, die eine Verwendung der Erklerung gegen ihn und seine Mitangeklagten ausschliesst.

Ich erlaube mir, in diesem Zusammenhang die Aufmerksamkeit des Gerichts auf die bei den Gerichtsakten befindlichen Aeusserungen amerikanischer aerztlicher Sachverstaendiger zu lenken, die uebereinstimmend feststellen, dass Schmitz nur in der Lage ist, sich mit Hilfe seiner Verteidiger und gestuetzt auf seine

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Akten verantwortlich zu äussern und die ferner darauf hinweisen, dass jeder - also auch ein rein in zeitlicher Beziehung ausgeübter Druck ihn verwirren und erregen. Damit wird aber ein Zustand erzeugt, der eine freie und verantwortliche Äusserung des Angeklagten unmöglich macht.

3.) Ich fühle mich aber auch vor meinem Gewissen als Verteidiger verpflichtet, dem Hohen Gericht noch einmal generell die Frage der Zulässigkeit der Einführung von Erklärungen der Angeklagten als Beweismaterial vorzutragen mit der Bitte, die früher zu dieser Frage ergangene Entscheidung einer Nachprüfung zu unterziehen.

Herr Dr. Siemers hat bereits in der Vormittags-sitzung des 28. August 1947 darauf hingewiesen, dass es seiner Ansicht nach nach angelsächsischem Recht nicht zulässig sei, einen Angeklagten zu zwingen, gegen sich selbst Zeugnis abzulegen und sich dabei auf das Amendment zur amerikanischen Verfassung, Artikel 5 berufen. Er hat dazu gleichzeitig eine Stelle aus dem Buch "Federal Criminal Law" von William Atwell zitiert, auf die ich der Einfachheit halber ebenfalls Bezug nehmen darf. Diese Bestimmung gilt meiner Auffassung nach nicht nur fuer das Verfahren selbst, sondern auch in jedem vorbereitenden Stadium des Verfahrens. Das Statement des Angeklagten Schmitz und auch alle Affidavits der Mitangeklagten sind aber zustande gekommen, ohne dass die Betreffenden vorher darauf hingewiesen worden sind, dass ihre Erklärungen in einem Verfahren gegen sie

verwandt werden koennten, und ohne dass sie darauf aufmerksam gemacht worden sind, dass sie das Recht haetten, die Aussage zu verweigern. Es ist im Gegenteil ein ausserordentlich harter Zwang zur Aussage gegen sie ausgeuebt worden. Ich denke dabei jetzt nicht an bestimmte von einzelnen Angeklegten als Druck oder Zwang aufgefasste Massnahmen der Interrogatoren oder ein entsprechendes Verhalten der Anklagebehoerde. Der von mir hier geltend gemachte Zwang, der jede echte Freiwilligkeit ausschliesst, ergab sich aus den Verhaeltnissen, die nach dem Zusammenbruch in Deutschland als einem besiegt und besetzten Land bestanden und noch heute bestehen. Er ergab sich unmittelbar aus der nicht zulaessigen Anwendung der Verordnung Nr. 1 der Militaerregierung fuer die amerikanische Besatzungszone vom 16. August 1945 und zwar aus Artikel II, der wie folgt lautet:

"Die folgenden strafbaren Handlungen werden nach Ermessen eines Gerichtes der Militaerregierung mit irgendeiner Strafe, jedoch nicht der Todesstrafe, geahndet:

.....

33. Wissentlich falsche Angaben, muenndlich oder schriftlich, gegenueber einem Angehoerigen der Alliierten Streitkraefte oder einer in deren Auftrag handelnden Person, und zwar in Angelegenheiten von offizieller Bedeutung; oder sonstiger Betrug oder Weigerung, von der Militaerregierung verlangte Auskunft zu geben."

Die Angeklegten sind anstatt auf ihr Recht, als Angeklagte die Aussage zu verweigern, aufmerksam gemacht zu werden, durchweg vor ihren Vernehmungen mit allem Nachdruck auf diese Bestimmung hingewiesen worden und gelegentlich sind diese Hinweise in das Vernehmungs-

protokoll sogar aufgenommen worden. Unter diesen Umstaenden bedeutet die in den Vernehmungsprotokollen oder in den abgegebenen eidesstattlichen Erklaerungen enthaltene Feststellung, dass die Aeusserung freiwillig und ohne Zwang erfolgt sei, einen Widerspruch in sich selbst. Der Zwang ergab sich unmittelbar aus der Anwendung einer Gesetzesbestimmung, die auf Angeklagte keine Anwendung finden kann. Es waere notwendig und richtig gewesen, die Angeklagten ausdruuecklich darauf aufmerksam zu machen, dass diese gesetzliche Bestimmung in ihrem Fall keine Anwendung finden koenne, waehrend sie im Gegenteil durch die den Vernehmungen vorausgehenden Hinweise auf die Bestimmung unter den Eindruck gebracht worden sind, dass sie sich mit der Aussageverweigerung oder einer nicht vollstaendigen und wahrheitsgetreuen Aussage strafbar machen, und zwar koennte naechst der Todesstrafe jede Strafe, also selbst eine lebenslaengliche Freiheitsstrafe fuer ein Verstoess gegen diese Anordnung ueber sie verhaengt werden. Die Vernehmungen der Angeklagten auf der Grundlage dieser Verordnung widersprechen meines Erachtens nicht nur dem Amendment der amerikanischen Verfassung, Art. 5, sondern befinden sich im Gegensatz zu einem Rechtsgrundsatz, der als Gemeingut aller zivilisierter Laender angesehen werden kann.

Das Hohe Gericht hat selbst durch den Herrn Praesidenten in der Nachmittagsitzung des 28.8.1947 zu erkennen gegeben, dass es die Verwendung von Erklaerungen der Angeklagten nur dann fuer zulaessig erachtet, wenn es sich um freiwillig abgegebene Erklaerungen handelt. Ich zitiere:

"Der Gerichtshof hat nicht gesagt, dass Affidavits in allen Faellen zulaessig waeren. Es mag viele Einwaende geben, aber was den Einwand betrifft, das Affidavit zuzulassen, wuerde bedeuten, den Angeklagten in die Stellung zu versetzen, gegen sich selbst auszusagen, in Verletzung seiner fundamentalen Rechte, so haben wir nur gesagt, dass Eingestaendnisse nicht in die Kategorie der fundamentalen Rechte insoweit gehoeren, als ein Angeklagter nicht gegen sich selbst auszusagen verpflichtet ist. Angesichts der Tatsache, dass ein Angeklagter nicht gezwungen werden kann, Beweise gegen sich selbst anzubieten, wird sehr allgemein der Standpunkt eingenommen, dass Eingestaendnisse, freiwillige Erklaerungen, diesen Grundsatz nicht verletzen. Soweit wollen wir gehen. Ich glaube, dass das vielleicht eine Antwort auf die Frage ist, die uns der Verteidigungsanwalt jetzt vorgelegt hat."

Diese Stellungnahme laesst klar erkennen, dass das Hohe Gericht die Verwendung der Erklaerungen der Angeklagten, ganz gleich in welcher Form sie abgegeben sind, ob als Vernehmungen, eidesstattliche Erklaerungen oder einfach als Statements nur dann fuer zulaessig erachtet, wenn es sich um freiwillige Erklaerungen handelt. Diese Freiwilligkeit aber ist ausgeschlossen, wenn die Aussage durch die m.E. unzulassige Anwendung einer gesetzlichen Bestimmung, die jede Strafe ausser der Todesstrafe androht, erzwungen ist.

4.) Gerade aber mit Ruecksicht auf die Erklaerungen des Herrn Praesidenten vom 28.8.1947 weise ich nochmals darauf hin, dass auch in ihr anerkannt wird, dass der Angeklagte nicht gezwungen werden darf, gegen sich selbst auszusagen, dass nur der Beweis eines fruheren Gestaeandnisses zulaessig ist. Letzteres ist auch meine Ansicht. Dieser "zulassige Beweis" darf nur nicht auf unzulassige Weise erfolgen, also nicht unter Verletzung

des Grundsatzes, dass die Stimme des Angeklagten nicht gegen seinen Willen in der Hauptverhandlung gehoert werden darf, weder unmittelbar vom Zeugenstand aus, noch mittelbar durch ein Dokument mit eigenen Ausfuehrungen des Angeklagten. Wenn diese Regel schon Anwendung findet auf eine fruehere Aeussierung eines Angeklagten, die mit echter Freiwilligkeit abgegeben wurde, so ist sie umso mehr anzuwenden, wenn diese fruehere Aeussierung durch Zwang, und zwar wie im vorliegenden Fall, durch den Zwang eines Gesetzes (vom 16.8.1945), also sicherlich nicht freiwillig erfolgte. Dies hat nichts damit zu tun, dass freiwillige Gestaendnisse des Angeklagten erheblich sind und als solche mit zulaessigen Beweismitteln, also Affidavits Dritter, oder durch andere Zeugen bewiesen werden duerfen und solche Beweismittel grundsaeztlich zulaessig sind.

Ich bitte deshalb das Hohe Gericht, die Frage der Zulaessigkeit der Angeklagten-Affidavits unter Beruecksichtigung der vorstehenden Ausfuehrungen noch einmal nachzupruefen.

R. Dix

(Dr. Rudolf Dix)

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UNITED STATES MILITARY TRIBUNAL VI
SITTING IN THE PALACE OF JUSTICE, NUREMBERG, GERMANY
22 APRIL 1949

THE UNITED STATES OF AMERICA

- vs. -

CARL KRAUW, et al.,

Defendants.

FILED *12 May 1949* with
Secretary General
Case No. 6
for Military Tribunals
Defense Center

ORDER

On consideration of the petition of Dr. Schubert, counsel for the defendant Baergin, dated 2 April 1949, requesting the Tribunal to make available to said defendant all documents, papers, letters, notes and other material originating from the files, archives, registries and other storing places of the former I.G. Farben Factory Ltd. plants Bitterfeld and Wolfen Farben,

IT IS ORDERED that said counsel and defendant shall be entitled to the same rights and privileges granted to the counsel in the Order dated 22 April 1949, having particular reference to the documents on deposit in the Document Center.

Ernest H. Shale
Attorney at Law

James Morris
Attorney at Law

James M. Hubert
Attorney at Law

Clarence F. McGill
Attorney at Law

Dated this 22nd day of April 1949

PROSECUTION NOTIFIED
12 May 1949

DEFENSE NOTIFIED

MILITARY TRIBUNALS

Nurnberg, Germany

UNITED STATES OF AMERICA

Against

KRAUCH and Others (Case VI)

FILED 13 April 1948 with
Secretary General
for Military Tribunals
Defense Center

"BLANKET" APPLICATION FOR DOCUMENTS ON BEHALF OF
THE DEFENDANT BUERGIN

TO: The Secretary General, Military Tribunals (Room 281)

1. Answer is made to a motion by Dr. Schubert, counsel for the defendant BUERGIN, dated 2 April 1948 (translation received 9 April), requesting that the Tribunal direct the prosecution to make available to counsel for the defendant BUERGIN "all documents, papers, letters, notes and other material originating from the files, archives, registries and other storing places of the former I.G. Farben Factory Ltd. plants Bitterfeld and Wolfen Farben". The prosecution will construe this as a request for access to true copies of documents properly obtained by prosecution representatives during their investigation, since upon information and belief the undersigned knows of no original documents in the hands of the prosecution originating from the files of the Bitterfeld and Wolfen plants. (Soviet Zone of Occupied Germany).

2. By agreement with Dr. Schubert, the prosecution had already gone quite far in arranging that copies of most (if not all) documents which it intended to use before rebuttal would be processed and available before the time required under normal rules of rebuttal. But unfortunately the prosecution's conduct in this direction (in this and similar matters) has led to a situation comparable to the historic camel which was allowed to put its head in the tent. However, to avoid any further ado, and in lieu of any formal order or waiver of rights, the prosecution invites Dr. Schubert to see Mr. Hans Wolffsohn, principal research assistant to the Trial Team, who will make available to him our copies of documents originating from the Bitterfeld and Wolfen plants.

3. However, to keep the record clear, the real nature of the motion should perhaps be analyzed. This is not a request for

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specific documents or even for particular files of documents. It requests all "material" in the prosecution's hands "originating" from the Bitterfeld and Welfen plants as a result of the efforts of prosecution investigators. As such it is an attempt to create a basis for "fishing expeditions" into the files of the adverse party to secure copies of whatever nature which have originated at certain places. The rule (and the practice of the prosecution even before this Tribunal was constituted) concerning requests for specific documents or specific folders of documents is not in point. This is a "blanket" motion of an entirely different nature, where no claim of improper conduct in obtaining originals without receipts, etc. is involved.

4. WHEREFORE, as a matter of law the motion should be denied.

By:


D. A. SHRECHER
Chief, War Criminal Team

Munberg: 12 April 1948
Date

For:

TELFORD TAYLOR
Brig. Gen. USA
Chief of Counsel

Military Tribunal No. VI

Case 6

United States of America

vs.

Carl Krauch et al.

Nurnberg, 2 April 1948

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FILED 3 April 1948
Secretary General
for Military Tribunals
Defense Counsel

Motion of defendant Dr. Ernst Buerger for submission of documents.

Appears the defendant Dr. Ernst Buerger, represented by counsel Dr. Werner Schubert, and respectfully requests that this Tribunal

orders that the Prosecution immediately hands over or delivers to counsel of above defendant all documents, papers, letters, notes and other material originating from the files, archives, registries and other storing places of the former IG Farben Factory Ltd. plants Bitterfeld and Wolfen Farben and which, according to the defendant's knowledge, are in the custody of the Prosecution; or that all above-mentioned documents etc. will immediately be made available to counsel for the defendant and the defendant himself for examination and copying.

Substantiation

In the afternoon session of the Tribunal on 4 March 1948 (page 8446 of the transcript), Mr. Sprecher stated:

"Unfortunately, some of the documents we had intended to use will have to be held off for a later time in rebuttal because of the processing difficulties which we labor under as Prosecution just now, for lack of any priority."

In the morning session on 5 March 1948 (page 8455 of the transcript), Mr. Charmatz stated:

"Mr. Sprecher pointed out yesterday, Your Honor, that our documents, for technical reasons, couldn't be processed and that we'll introduce them in evidence as soon as possible so that the defense would have

ample opportunity to make their defense."

The above shows that the Prosecution is holding off documents for a later time. The undersigned counsel for defendant Buergin has tried through a personal conference with Mr. Sprecher to examine these documents. Mr. Sprecher, however, stated that he cannot permit such an examination, that, on the contrary, he intends submitting the documents after completion of the defense of defendant Wurster.

The undersigned counsel takes the liberty of drawing the Tribunal's attention to the fact that in Case 11 (United States of America vs. Ernst von Weizsaecker et al.) a motion with virtually the same wording regarding the documents of the Foreign Office which are in possession of the Prosecution was filed and ruled upon by the Tribunal in favor of the Defense. It would be a considerable prejudice to the Defense, should the material now in possession of the Prosecution be made available to the Defense at so late a time that an adequate defense would practically no longer be possible. The procurement of material for the defense against these prospective documents is considerably hindered by the mere fact that the presentation of evidence is nearing its end and the time set by the Tribunal for submitting Defense documents expires in the next few days so that afterwards documents can only be submitted with the special permission of the Tribunal. To this should be added that the procurement of counter-evidence in the present case is laboring under special difficulties since the plant which was headed by the defendant Buergin is located in the Soviet Zone, a difficulty which has already been referred to by several of the defendants in the course of the Defense's case.

It would therefore be in line with the viewpoint of justice and fairness as well as with that of the equality of rights of both

parties of the trial if the Defense would immediately be given the possibility to examine the material in possession of the Prosecution and not submitted yet, i.e. not only these documents which the Prosecution intends offering yet, but the whole documentary material available to the Prosecution, since it is an absolute necessity to establish the necessary connections and conduct an efficacious defense.

The undersigned counsel for defendant Dr. Ernst Buergin therefore requests the Tribunal to favorably consider the foregoing motion.

(s) Dr. Werner Schubert

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VEREINIGTE STAATEN VON AMERIKA

gegen

Carl Krauch und andere

FILED 23 April 1948

Secretary General

for Military Tribunal

Defense Center

Antrag des Angeklagten Dr. Ernst B u e r g i n auf Vorlage von Dokumenten

Es erscheint der Angeklagte Dr. Ernst Buergin, vertreten durch den Verteidiger Dr. Werner Schubert, und beantragt ergebenst, dass dieses Hohe Gericht

anordnet, dass die Anklagebehoerde alsbald dem Vertreter des obengenannten Angeklagten alle Dokumente, Papiere, Schreiben, Aufzeichnungen und anderes Material anhaendigt oder uebergibt, das aus den Akten, Archiven, Karteien und sonstigen Aufbewahrungstaetten der fruheren Firma IG-Farben Fabrik Aktiengesellschaft Werke Bitterfeld und Wolfen Farben stammt und nach Kenntnis des Angeklagten von der Anklagebehoerde aufbewahrt wird; oder

dass alle vorgenannten Dokumente usw. dem unterzeichneten Verteidiger des Angeklagten und dem Angeklagten selbst zur Pruefung und Abschrift alsbald zugaenglich gemacht werden.

Begruendung:

In der Nachmittagsitzung des Hohen Gerichts vom 4. Maers 1948 erklarte Mr. Sprecher (S.8446 des Prot.):

"Unfortunately, some of the documents we had intended to use will have to be held off for a later time in rebuttal because of the processing difficulties which we labor under as Prosecution just now, for lack of any priority."

In der Vormittagsitzung vom 5. Maerx 1948 erklarte Mr. Charnatz (S.8455 des Prot.):

"Mr. Sprecher pointed out yesterday, Your Honor, that our documents, for technical reasons couldn't be processed and that we'll introduce them in evidence as soon as possible so that the defense would have ample opportunity to make their defense."

Es ergibt sich daraus, dass die Anklagebehörde noch Dokumentenmaterial fuer einen spaeteren Zeitpunkt zurueckbehaelt. Der unterzeichnete Verteidiger des Angeklagten Buergin hat durch persoenliche Ruecksprache mit Mr. Sprecher versucht, Einblick in diese Dokumente zu erhalten. Mr. Sprecher hat jedoch erklart, dass er solchen Einblick jetzt nicht gewahren koenne, vielmehr beabsichtige, die Dokumente nach Abschluss der Verteidigung des Angeklagten Wurster vorzulegen.

Der unterzeichnete Verteidiger erlaubt sich, das Hohe Gericht darauf hinzuweisen, dass im Fall Nr. 11 (Vereinigte Staaten von Amerika gegen Ernst von Weissacker u.a.) ein etwa gleichlautender Antrag hinsichtlich der im Besitze der Anklagebehörde befindlichen Dokumente des deutschen Anwaertigen Amts eingereicht und zu Gunsten der Verteidigung vom Gericht genehmigt worden ist. Es wuerde eine erhebliche Benachteiligung fuer die Verteidigung bedeuten, wenn sie das Material, das sich jetzt in Haenden der Anklage befindet, erst so spaet vorgelegt bekaeame, dass praktisch eine Verteidigung darauf nicht mehr moeglich ist. Die Beschaffung von Verteidigungsmaterial gegen diese in Aussicht stehenden Dokumente wird schon dadurch erheblich erschwert, dass die Beweisvorlage sich ihrem Ende naehert und dass die vom Gericht gesetzte Frist fuer die Einreichung von Dokumenten der Verteidigung in den naechsten Tagen ablaeuft, danach also Dokumente nur noch mit einer speziellen Genehmigung des Gerichts eingereicht werden koennen. Es kommt hinzu, dass die Beschaffung von Gegenbeweismaterial im vorliegenden Fall unter besonderen Schwierigkeiten leidet, weil sich das von dem Angeklagten Buergin geleitete Werk in der sowjetischen Besatzungszone befindet, eine Schwierigkeit, auf die im Laufe des Verteidigungsvorbringens bereits von verschiedenen Angeklagten hingewiesen wurde.

Es wuerde daher den Gesichtspunkten der Gerechtigkeit und Fairness sowie der Gleichberechtigung der beiden Verhandlungsparteien entsprechen, wenn der Verteidigung alsbald Einblick in das in Haenden der Anklage befindliche und noch nicht vorgelegte Material gewahrt wird, und zwar nicht nur

in die Dokumente, welche die Anklagebehörde noch vorzulegen beabsichtigt, sondern in das gesamte bei der Anklagebehörde vorliegende Dokumentenmaterial, da dies zur Herstellung der notwendigen Zusammenhänge und zur Führung einer wirksamen Verteidigung unbedingt erforderlich ist.

Der unterzeichnete Verteidiger des Angeklagten Dr. Ernst Buergin bittet daher das Hohe Gericht, seinem vorstehenden Antrage entsprechen zu wollen.

H. Wanner Schindler

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UNITED STATES MILITARY TRIBUNAL VI
SITTING IN THE PALACE OF JUSTICE, NURENBERG, GERMANY
11 MAY 1948

THE UNITED STATES OF AMERICA

vs.

CARL KRAUGH, et al.,

Defendants

FILED 12 May 1948 with
Secretary General
for Military Tribunals
Defense Center

The attached six pages were made a part of the record during the proceedings of Tribunal VI, on the morning of 11 May 1948, by reference by Alternate Judge Clarence F. Merrell, and after quoting several paragraphs from such statement, it was filed with the Deputy Secretary General in Court VI as a part of the record of the proceedings in open court on 11 May 1948. Reference to such statement was made in connection with ruling just announced by the majority of the Tribunal and after Judge Paul H. Hebert had expressed his dissent and before Judge Curtis G. Shake had expressed agreement with the majority of the Tribunal as stated by Judge James Harris.

The attached six pages should be made a part of the record in Case No. 6 in accordance with the proceedings had in open court on this day as above indicated.

Clarence F. Merrell
CLARENCE F. MERRELL
Alternate Judge

Dated this 11th day of May 1948

DEFENSE NOTIFIED

12 May 1948 JAR

PROSECUTION NOTIFIED

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FILED 11 May 1948
Secretary General
for Military Tribunals
Defense Center

Having in mind my contingent responsibility as an alternate member of this Tribunal, it has become incumbent upon me to state for the record my position on the question concerning the admissibility of affidavits as to which the Tribunal by a majority of its members has made a ruling.

First a word as to what I mean by the phrase,--"my contingent responsibility as an alternate member of this Tribunal." My position is such that full responsibility for sharing in the decisions of the Tribunal would be imposed upon me only if one of the regular Judges of the Tribunal should for some reason become indisposed and could no longer serve. It is a possibility--and it is my hope and prayer that it will not occur--that I may be called upon to assume the place of any one of the three regular members of the Tribunal. From that time, I would share direct responsibility for the final determination and judgment of this Tribunal.

In the event of such a contingency, and if a majority of the Tribunal as newly constituted should not agree with rulings made by the Tribunal as previously constituted concerning any question having an important bearing upon the determination of the final judgment, the Tribunal as then made up would find itself in this dilemma, the necessity of choosing between these two courses of procedure: (1) to accept the ruling already made and render final judgment on the record as thus made even though a majority of the Tribunal as constituted should not agree with the ruling already made, thus being responsible for a result which might have been different except for the ruling previously made; or (2) to reconsider the previous ruling and overrule it and proceed with the case in the light of such new ruling, resulting in a final determination and judgment according to the views of the Tribunal newly constituted which would have full responsibility for the final result. In the light of that prospect, I cannot



close my mind to the possible effects which the rulings of this Tribunal, made during the trial, may have on the final result.

The ruling of the Tribunal that affidavits of those defendants who do not take the stand as witnesses will not be considered as to other defendants is a corollary to the ruling of the Tribunal that affidavits of affiants will not be admitted upon a showing that such affiants are not available for cross-examination.

I agree with the opinion as expressed by Judge Hebert, on December 2, 1947, that the admissibility of affidavits should not depend upon the availability of the affiant as a witness for the purpose of cross-examination. A thorough study of the provisions of the Charter, Control Council Law No. 10 and Ordinance No. 7, prescribing rules of procedure for these Tribunals, and precedents established by other Tribunals administering international law, convinces me that in keeping with the expressed intent of the law to avoid technical rules of evidence and to admit any evidence deemed to have probative value, affidavits should be received in evidence without regard to whether the affiant is available for cross-examination. Of course it must be recognized that in the search for truth, cross-examination is an important help. However, even without cross-examination, the sworn statement given by one conscious of the possibility of penalty for a false statement has a certain weight beyond that of the ordinary voluntary statement given without the sanction of an oath. The lack of cross-examination goes to the weight of the evidence and not to its admissibility. As a statement given in the form contemplated by the Ordinance, the affidavit should be admitted so that it can be considered in the light of all the circumstances and given such weight as, in the sound judgment of the Tribunal, it is entitled to receive.

Experience during the progress of this trial has demonstrated that, to enable the parties to have a fair trial and to present



evidence which they regard as important, it is necessary, under the novel and difficult conditions which have existed and continue to exist in Europe, to broaden the rules of evidence and to relax them in favor of admitting evidence which under the technical rules of evidence with which the members of the Tribunal are familiar would not be admitted. Accordingly, during the course of this trial, there has been a gradual relaxation of the rules of evidence as the case has progressed and experience has demonstrated that in fairness to the parties, especially to the defendants, such rules should be relaxed.

However, although in Schmitz Document Book No. III there is set out an affidavit by Goering, Counsel for the defendant Schmitz, when he came to that document in the presentation of evidence, stated he would not offer it in view of the ruling of the Tribunal excluding affidavits of persons not available for cross-examination, inasmuch as affiant Goering was deceased. Thus defendant Schmitz was deprived of a bit of evidence which he evidently regarded as having probative value on his behalf. The same can be said in regard to the affidavit of General Thomas offered and then withdrawn by Counsel for defendant von Schnitzler because of the ruling of the Tribunal concerning affidavits of affiants now deceased.

The test as to admissibility of evidence laid down in the Charter and applied by the IMT is its "probative value." In Ordinance No. 7 creating these Tribunals, it is expressly provided that the Tribunals "shall admit any evidence which they deem to have probative value." If it has any probative value concerning any issues in the case, it should be received and given such weight as in the judgment of the Tribunal it deserves. Such a touchstone of admissibility affords a simple rule and assures all parties a fair, full and impartial trial without imposing on either party the encumbering and disabling requirements of technical rules of evidence.



The fairness and the propriety of the test of probative value for the admissibility of evidence, including affidavits, instead of the ruling being applied by this Tribunal, has been demonstrated by experience in this case. There were 279 affidavits introduced and admitted in evidence on behalf of the Prosecution; of those, 72 affiants were produced in open court for cross-examination before the Tribunal; cross-examination of 14 of such affiants was conducted before the Commissioner appointed by the Tribunal; the cross-examination of 19 was waived by the Defense. Thus all affiants whose affidavits were introduced by Prosecution were cross-examined by Defense unless waived.

On behalf of the defendants, a total of 2,363 affidavits have been introduced; of those affiants Prosecution has requested that 72 be produced for cross-examination; to date 29 of them have been produced and have been cross-examined, and 6 more may be produced and cross-examined within the time allowed. Of the defense affidavits, approximately 865 were introduced after 14 April, approximately 400 during the last week of the trial, and 115 during the last two days. Cross-examination of 97 defense affiants has been expressly waived. Inasmuch as under the schedule for the production of evidence, time has been reached for the conclusion of all evidence, it is obvious that the Prosecution is not afforded the privilege of cross-examining the balance of those affiants under the schedule being applied. The result is that while the Defense have had the privilege of cross-examining all affiants unless they waived it, the Prosecution will have been able to cross-examine only 35 and will not have the privilege of cross-examining the others even though they have made such request. That result was reached even though the provisions of Article 11 of Ordinance No. 7, with reference to cross-examination, apply equally to evidence produced by Defense and Prosecution. The defense has had the privilege of cross-examination; the Prosecution has had that privilege only to a limited degree. Under the ruling of this Tribunal, consistency would prompt the striking from the record of all defense affidavits of those affiants whose cross-examination has been



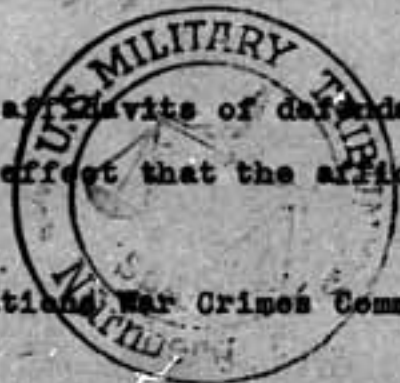
requested and who have not been available for such cross-examination within the time permitted by the Tribunal for the presentation of evidence.

My studies have convinced me that the ruling of this court is contrary to the practice established and followed by various other courts and tribunals having the responsibility of trying persons charged with violation of international law. There have been, and are, many such tribunals, including: the International Military Tribunal which sat here in Nurnberg; the Far Eastern Tribunal sitting in Tokyo; British Military Courts; United States Military Commissions; Canadian and Australian War Crimes Courts; and the French Military Tribunals. More than one thousand trials have been conducted by those courts.

The rules of evidence followed by those tribunals establish a balance between their dual responsibility of protecting the fundamental right of the accused individual to a fair trial and of insuring that "no guilty person will escape punishment by exploiting technical rules." The tribunals recognize that "the circumstances in which war crimes trials are often held make it necessary to dispense with certain rules followed in ordinary criminal law." A controlling factor in that regard as to affidavits is the unavailability of witnesses at the time of trial but who have given affidavits. For that reason the practice has been generally established and followed of admitting affidavits even though the affiants are not available for cross-examination. Under such circumstances, however, it is pointed out that the tribunal takes into consideration the fact that the affiant has not been cross-examined in determining the weight to be given the statements in such affidavits.¹

The ruling of the Tribunal as to affidavits of defendants who do not take the witness stand is in effect that the affidavit

¹ See pages 330-342, Report of United Nations War Crimes Commission to the United Nations, November, 1947.



is to be regarded as admissible only as a declaration made by such defendant and not by virtue of the fact that it is an affidavit; under the ruling as made, the fact that it was given under oath does not give it such character as to entitle it to be considered as evidence although so provided by Ordinance No. 7.

The situation thus created comes into clear focus when the effect of the announced intention of defendants Schmitz, von Schnitzler and Lautenschlaeger not to take the stand as witnesses is considered. There are in the record several affidavits given by those defendants. If they follow their announced intention and remain mute and silent throughout this trial and the ruling of the Tribunal as stated is followed, all those statements can be considered as to those respective defendants themselves but the statements in all those affidavits concerning other defendants must be ignored by the Tribunal in determining the innocence or guilt of the other defendants. Thus by the free voluntary choice of those defendants a substantial amount of testimony by those peculiarly in a position to know the facts becomes unavailable to the Tribunal and is rendered a nullity whether it tends to exonerate or implicate their co-defendants. That extreme result indicates the invalidity of the ruling as made.

The ruling, in my mind, is a contradiction of the clear intent of the Charter, a nullification of the provisions of the Ordinance binding upon this Tribunal, and contrary to the procedure established and followed by other tribunals enforcing international law. It is my opinion that the affidavits should be considered as evidence as to any defendant to whom they refer directly or indirectly even though the defendant giving the affidavit is not cross-examined by or on behalf of the defendant thus referred to, and given such weight as under the circumstances, including lack of cross-examination, in the sound discretion of the Tribunal they deserve.



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UNITED STATES MILITARY TRIBUNAL VI
SITTING IN THE PALACE OF JUSTICE, DUISBURG, GERMANY
4 MAY 1948

THE UNITED STATES OF AMERICA

- vs. -

CARL KRAUCH, et al.,

Defendants.

FILED 13 May 1948 with
Secretary General
for Military Tribunals
Defense Center

ORDER

Ruling of the Tribunal in regard to two motions filed by Dr. Lumert on behalf of his client, the defendant Kuchne follows.

The first motion was dated 20 April 1948, and filed in the office of the Secretary-General on 20 April 1948, and refers to Exhibits 2072, 2074, and 2075, introduced by the Prosecution in the course of the cross-examination of the defendant Kuchne.

The second motion refers to Exhibits 2064 through 2070, Exhibit 2078, Exhibits 2079 through 2080, and Exhibits 2080 through 2085. The motion is in the alternative, asking the Tribunal to reject the enumerated exhibits as not being proper rebuttal or, if the motion is overruled, to provide certain relief to the defendant with respect to the exhibits, that I shall notice presently.

The motion to strike the exhibits mentioned as being improper cross-examination or rebuttal is now overruled by the Tribunal. In the alternative the counsel has asked that if the motion is overruled, that the Tribunal make available to counsel all of certain of the documents with respect to which only a part of the documents were offered in evidence by the Prosecution.

As to the latter feature, the defendant is entitled to offer the entire document if it is pertinent, since the Prosecution has offered a part of the document. It is not necessary for the Tribunal to make a specific order for the processing of these documents. They are in the files and will be processed and made available to counsel for the defendant in due course if he determines that he needs them.

PROSECUTION NOTIFIED

13 May 1948 JOK

DEFENSE NOTIFIED

Ernest G. Ruse
JOKS
James M. M...
JOKS
Paul M. Schubert
JOKS
Clara T. M...
JOKS

Dated this 4th day of May 1948 2290

MILITARY TRIBUNALS

Nurnberg, Germany

UNITED STATES OF AMERICA

Against

KRAUCH and Others (Case VI)

15th

FILED 3 May 1948 with
Secretary General
for Military Tribunals
Defense Center

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(1a)

ANSWER TO TWO MOTIONS ON BEHALF OF THE DEFENDANT KUEHN TO
REJECT AS INADMISSIBLE EXHIBITS INTRODUCED IN EVIDENCE DURING
THE CROSS EXAMINATION OF THE DEFENDANT KUEHN.

TO: The Secretary General, Military Tribunals (Room 281)

1. For reasons stated below, we believe that there may be a substantial misconception in the mind of petitioning counsel and possibly in the minds of other counsel. Hence, we respectfully petition that the Tribunal give immediate consideration to these motions and to the following answer.

2. This answer is made to two motions on behalf of the defendant KUEHN to reject nineteen out of the twenty exhibits introduced during the cross exam of the defendant KUEHN on 31 March 1948 (Transcript 10231-10275). The first motion, dated 20 April 1948 (filed 28 April), objects to prosecution exhibits 2072, 2074, and 2079. The second motion objects to prosecution exhibits 2064 thru 2070, 2073, 2075 thru 2078, and 2080 thru 2083. Apparently no objection is made to exhibit 2071, the only other exhibit introduced during this cross examination.

3. The grounds for both objections are simple and uniform, merely stating that "none of these documents is the answer to a new, unexpected evidence of the defense. On the contrary these documents are cumulative only to the prosecution's case in chief". There is no further ado in the motion which sets forth any specific or particular grounds or justification. No suggestion is made that any specific document does not or did not impeach, correct, or explain the testimony of the defendant. No distinction is made concerning the exhibits concerning which the defendant gave testimony on cross examination. No reference is made to the testimony of the defendant which is directly

challenged by the exhibits (19 of which were contemporaneous documents). No distinction is made with respect to at least six exhibits (hereinafter mentioned specifically) which Dr. Lummert himself expressly took up during redirect examination of the defendant.

4. If the case were not at such a late stage, and if we did not believe that Dr. Lummert is very sincerely proceeding upon mistaken premises, we would merely answer that the entire motion should fall for want of sufficient grounds or specifications. However, we believe that a more thorough consideration of the possible problems raised by this general and sweeping motion may prevent any possible further confusion. The matter developed as follows. During cross examination, Dr. Lummert asked if the exhibits used in cross examination were "to be considered as exhibits (sic) for the prosecution" or whether they were only being "put to the witness within the framework of the cross examination". The President confirmed that "if they were not indicated as being for identification only, they will be considered evidence" (Transcript, 10238). Later Dr. Lummert requested a delay in redirect examination so as to combine "the answer to the rebuttal" and the putting of other questions on redirect (10261). After granting counsel's request, the President made a statement which we believe has been considerably and unfortunately misconstrued by counsel:

"I say to you also that you are correct in the procedure that we are now indulging, and which seems to not be highly objectionable to anyone, is a combination of cross examination and the anticipation of rebuttal. In that connection I take the liberty of suggesting to you and to counsel for the Prosecution that it is appropriate to consider whether or not some of these documents would be even proper as rebuttal or might perhaps have been proper only in the Prosecution's case in chief. In other words, we don't want, by indulging in this liberal and loose practice, to open the door to retrying the Prosecution's case and they should not, under the pretext of rebuttal, bring in evidence that should have been brought in in the first instance. I express no opinion about that, but that I think in fairness to you and the Prosecution it is proper to mention that matter." (Transcript 10261-2)

Upon completion of cross exam, the President further announced:

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"Now, gentlemen, the Tribunal has an understanding with Dr. Lummert about his redirect examination and his matter of going into these exhibits. That matter will be postponed until he has had an opportunity to study them."

On 13 April 1948 (two weeks after the cross exam of the defendant KUEHNLE had been completed), time was set aside for redirect exam of KUEHNLE by Dr. Lummert. Dr. Lummert thereupon gave notice of his intention to object to exhibit 2064 thru 2083 (the exhibits in question), excepting only exhibit 2071, on the ground "that they were not proper rebuttal" (T.11278). The President then stated it preferred a written memo "so we can group them altogether at one time and make speedy disposition of them toward the close of the trial we will undertake to pass on these matters" (T.11278). Dr. Lummert then proceeded to ask the defendant questions expressly about six of the now "challenged" exhibits, namely exhibits 2064 (T.11290), 2065 (T.11281), 2067 (T.11282), 2068 (T.11282), 2075 (T.11284), and 2076 (T.11284-5) - and directly raised by some of the other exhibits which were not mentioned expressly by exhibit number (e.g., "the war production plans of Donauchemie"). Meanwhile, some of these documents have been used in examination of other defendants and defense witnesses, including examination by defense counsel (e.g., Dr. Henze's examination of the defendant KUGLER re exhibit 2079 (NI-13556)).

5. Affirmatively, the prosecution believes the exhibits used in the cross exam of the defendant KUEHNLE (as well as in the cross exam of other defendants) are admissible under the most technical rules of the "cross examination" concerning a defendant. This, we believe, is true quite apart from the fact that when a defendant takes the stand, he takes the stand for all purposes. Even viewing these documents from the point of view of whether they impeach, correct, or explain the direct testimony of the defendant KUEHNLE, we believe that all of them are clearly competent as cross examination, except exhibit 2079 (an affidavit of Antonin Basch which we ask the Tribunal to read

in connection with the affidavit of Dr. Mayer, KUEHNE exhibit 1, since Dr. Mayer had been mentioned by the defendant KUEHNE and since the affiant Basch succeeded Dr. Mayer both in his position and in going to America). In other words, even if the defendant KUEHNE were an ordinary witness and not a party of interest as a defendant, the exhibits in question were properly used as a normal part of cross examination. A fortiori, when it is considered that KUEHNE is a defendant, taking the stand for all purposes, it is difficult to understand an objection based upon the claim that the documents offered during cross examination should be excluded as "not proper rebuttal". That a defendant takes the stand for all purposes was made clear to all concerned by the Tribunal on 11 February 1948 after Dr. Berndt received permission to postpone direct examination of the defendant ~~THE DEFENDANT~~ on Count II. The prosecution thereafter declared its intention, notwithstanding this postponement, "to examine the defendant ~~THE DEFENDANT~~ concerning any subjects whatsoever that we feel are important, since he is a party" (T. 6740). The President then confirmed this rule in open court by stating that the prosecution

"is stating that so far as it is concerned, it proposes to cross examine for all purposes or to examine him for all purposes while he is on the stand. That, we take it, is within the rights of the prosecution" (T. 6741).

So long as the questioning of a defendant is either relevant under the indictment or of a nature to impeach, correct or explain the defense asserted by the defendant, it is competent. The role of the use of documents during "cross examination" of defendants at Nurnberg as the most helpful instrument for delimiting the truth has become so commonplace as to be mentioned in books for laymen (for example, Cooper's "The Nurnberg Trial"). We believe the telling effect in this trial is not less startling than it was in the IMT trial. Moreover, the use of contemporaneous documents during "cross exam" of defendants has markedly shortened the necessary minimum amount of examination of defendants. The importance of the role of contemporaneous documents

is even enhanced under the "twenty percent rule" ^{for} time allowed the prosecution for cross examination which the Tribunal has enforced since February 1948. One indication of the relevance of exhibits originally used when examining a defendant for all purposes is the frequent and almost automatic reference to such documents at later stages of the case by both sides.

6. Some of the advantages of introducing relevant exhibits on cross examination appear to have been recognized by many defense counsel, at least during the earlier stages of the defense case when the practice was continually practiced and accepted. Among the advantages of this practice have been the following: (1) the defense is given more notice and a longer opportunity to counter the probative value of many contemporaneous documents which would appear later in any event to explain, correct, or counter new defense evidence or new and unanticipated explanations which are intended as evidence, etc.; (2) there is a considerable reduction in the minimum amount of essential rebuttal, since contemporaneous documents are necessarily connected to the facts of the entire pattern of the case; (3) there is an expedition of the trial without sacrificing a procedure calculated to lay the full truth before the trier of fact, particularly after hundreds upon hundreds of affidavits have been submitted by the defense which are calculated to weaken the force of contemporaneous documents. The case of the defendant KUEHNLE is a fair example. By the time the defendant KUEHNLE was cross examined, Dr. Luzzert had offered 118 exhibits (25th and 30th of March 1948). One hundred and six of these 118 exhibits (all except twelve) were affidavits. Of the remaining twelve exhibits, only approximately half were contemporaneous German documents. So far the prosecution has not called for cross examination one of the affidavits to the 106 affidavits of the defendant KUEHNLE, despite the fact that numerous of these affidavits allege new evidentiary facts and many new conclusions of facts (amounting to new evidence) which were not anticipated. If the prosecution

were to call any substantial number of these affiants we should congest the Commissioner's schedule beyond bearing by this step alone. Why has the prosecution been able to disclaim for the time the calling of these affiants? This has been due to a very large measure because by examining the defendant KUEHNE, with the assistance of nineteen contemporaneous documents, the prosecution genuinely believes it has in effect or constructively "cross examined" the most important of these scores of affiants. We believe that by this step we have not been derelict in our duty of exposing the truth in meeting the oral explanations of scores of affiants sympathetic to the defense, since they have been countered with the assistance of a score of the contemporaneous records not devised with a view to defense. After the principal case in chief for most of the defendants had been concluded, most defense counsel asked for and were granted permission to submit "a few" documents which they had been unable to process, etc., by the conventional time for concluding the individual presentations. As we have now seen, a substantial portion of these delayed presentations involve a further large number of affidavits. For some time it has been clear to all that under the most favorable circumstances, only a small minority of these affiants could be cross examined within the limits of the time set for the conclusion of the taking of evidence. Particularly in view of this history, it seems strange to us that counsel now (at this late stage) seek to remove from the consideration of the Tribunal contemporaneous documents with which a defendant has been openly confronted during cross examination.

7. For the convenience of the Tribunal, the table below shows the pages of the transcript at which the exhibits in question were actually offered. The "build-up" to the exhibit and any questions and answers appear just before or after the pages indicated. The "Index of Exhibits" for 31 March 1948 may abbreviate any necessity for now reading all or some of the exhibits at this time in passing on the various issues of competency.

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EXHIBIT

TRANSCRIPT PAGE

2064	10234
2065	10237
2066	10240
2067	10241
2068	10243
2069	10244
2070	10245
2071	10247
2072	10248
2073	10250
2074	10250
2075	10251
2076	10258
2077	10259
2078	10259
2079	10260
2080	10264
2081	10265
2082	10265
2083	10265

8. Wherefore, it is respectfully requested that the two motions be denied in their entirety.

By:

D. A. Sprecher
D. A. SPEECHER
Chief, FAIRBEN TRIAL TEAM

Nurnberg

3 May 1948

Date

For:

TELFORD D. TAYLOR
Brig. Gen. USA
Chief of Counsel

Dr. Guenther Immert
Defense Counsel of the
Defendant Dr. Hans Eiseke

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②
Nuremberg, 28 April, 1948

Case No. 6

1145
FILED 29 April 1948 with
Secretary General
for Military Tribunals
Defense Center

TO: Military Tribunal VI

MEMORANDUM

Re: Motion - objection - to the admissibility of Prosecution's exhibits 2064 - 2070,
2073, 2075 - 2078, and 2080 - 2083 on the ground that they are no proper rebuttal.
Of transcript pp. 11278-11279 and my motion of 20 April, 1948, concerning exhibits
2072, 2074, and 2079.

All the following exhibits:

no. 2064 (NI-15027),
no. 2065 (NI-7245),
no. 2066 (NI-145026),
no. 2067 (NI-15025),
no. 2068 (NI-15005),
no. 2069 (NI-15004),
no. 2070 (NI-15015),
no. 2073 (NI-14750),
no. 2075 (NI-15006),
no. 2076 (NI-15001),
no. 2077 (NI-14744),
no. 2078 (NI-14743),
no. 2080 (NI-10722),
no. 2081 (NI-11713),
no. 2082 (NI-14029),
no. 2083 (NI-14030)

are not admissible as being no proper rebuttal. For none of these documents is the
answer to a new, unexpected evidence of the Defense, on the contrary these documents
are cumulative only to Prosecution's case in chief. Moreover all this material was
available to the Prosecution already during its case in chief.

G. Immert
(Dr. IMMERT)
Defense Counsel

Dr. Günther LIMBERT
Defense Counsel of the
Defendant Dr. Hans KIEHN

Nuremberg, 20 April, 1948

Case No. 6

URGENT

1516
FILED 28 April 1948 with
Secretary General
for Military Tribunals
Defense Center

To: Military Tribunal VI
NUREMBERG

Re: Motion - objection - to the admissibility of Prosecution's exhibits no. 2072 (NI-15013), no. 2074 (NI-14747), and 2079 (NI-13556) on the ground that they are no proper rebuttal.

I.

Referring to pp. 11278 - 11279 of the English transcript I should like to justify the above mentioned objection as follows:

1) as to exh. 2072 (NI-15013) : this newspaper article is no answer to a new, unexpected evidence of the Defense. It is cumulative only to Prosecution's case in chief. Moreover this document was available to the Prosecution already during its case in chief.

But in case this objection should not be sustained I should like ask for the Prosecution giving a translation of the entire document because the entire article clearly shows that Dr. KIEHN in that article had in mind only the peace requirements in connection with the Four Year Plans.

2) as to exh. 2074 (NI-14747) : the same justification as to 1).

But in case this objection should not be sustained I should like ask for the Prosecution giving a translation of the entire document, i.e. also of the appendix of the document, because they show the utter irrelevancy of that letter.

3) as to exh. 2079 (NI-13556) : the same justification as to 1).

In the case this objection should not be sustained I should like to call the defendant KIEHN to the witness stand for a short further examination as to this document. A corresponding reservation was made by me (transcript p. 11279) and was

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granted by the President.

II.

The justification for the objection as to am. 2064 - 2070, 2073, 2075 - 2078, and 2080 - 2083 will follow, it is not urgent (cf. transcript pp. 11278 - 11279).

H. L. Lumbert
(Dr. LUMBERT)
Defense Counsel

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FILED 12 May 1946 with
Secretary General
for Military Tribunals
Defense Center

Period and Place (or Nature) of Detention of the Defendants
in Case No. VI (Farben) since the Allied Occupation of Germany

<u>Name</u>	<u>Detained</u> <u>from</u> <u>to</u>	<u>Place or Nature</u> <u>of Detention</u>
AMEROS, Otto	17 Jan 1946 1 May 1946 13 Dec 1946 date	Ludwigshafen, Ludwigshafen, Baden- Baden, Nuernberg
BUECHIN, Ernst	23 Jun 1947 date	Chateau Arnoux (France), Strasbourg, Nuernberg
BUEPFISCH, Heinrich	11 May 1945 date	Leuna, Versailles (France), Kranzburg, Wimbledon (England), Nuernberg
DUERFELD, Walther	9 Jun 1945 17 Jun 1945 5 Nov 1945 date	Merseburg, Ziegenhain, Ludwigshafen, Nuernberg
GAJEWSKI, Fritz	5 Oct 1945 date	Munich, Kranzburg, Nuernberg
GATTINEAU, Heinrich	11 Oct 1945 6 Aug 1946 11 Oct 1945 date	Garmisch I.O., Altoetting, U.S. Zone, Nuernberg
HAEPFINGER, Paul	11 May 1945 30 Sep 1945 3 May 1947 date	Frankfurt, Nuernberg



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FILED 12 May 1948 with
Secretary General
for Military Tribunals
Center

Period and Place (or Nature) of Detention of the Defendants
in Case No. VI (Farben) since the Allied Occupation of Germany

<u>Name</u>	<u>Detained</u> <u>from</u> <u>to</u>	<u>Place or Nature</u> <u>of Detention</u>
AMBROS, Otto	17 Jan 1945 1 May 1946 13 Dec 1945 date	Ludwigshafen, Ludwigshafen, Baden- Baden, Nuernberg
BUEGIN, Ernst	23 Jun 1947 date	Chateau Arnoux (France), Strasbourg, Nuernberg
BUEFISCH, Heinrich	11 May 1945 date	Leuna, Versailles (France), Kranberg, Wimbledon. (England), Nuernberg
DUEHFELD, Walther	9 Jun 1945 17 Jun 1945 5 Nov 1945 date	Herseburg, Ziegenhain, Ludwigshafen, Nuernberg
GAJEWSKI, Fritz	5 Oct 1945 date	Munich, Kranberg, Nuernberg
GATTINEAU, Heinrich	11 Oct 1945 6 Aug 1946 11 Oct 1945 date	Garmisch I.C., Altoetting, U.S. Zone, Nuernberg
HAEPLIGER, Paul	11 May 1945 30 Sep 1945 3 May 1947 date	Frankfurt/M., Nuernberg



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(2)

<u>Name</u>	<u>Detained</u> <u>from</u> <u>to</u>	<u>Place or Nature</u> <u>of Detention</u>
VON DER HEIDE, Erich	28 Apr 1947 date	Hamburg, Muerenberg
HORLEIN, Heinrich	16 Aug 1945 date	Kranzburg, Muerenberg
ILCHER, Max	7 Apr 1945 date	Muerzburg, Versailles (France), Kranzburg, Muerenberg
JACHNE, Friedrich	18 Apr 1947 date	Gnevenbroich (Br.Z.), Muerenberg
VON KNIEPPEL, August	7 Apr 1945 date	Muerzburg, Versailles (France), New York/U.S.A., Muerenberg
KRAUCH, Carl	3 Sep 1946 date	Heidelberg, Muerenberg
KUEHN, Hans	29 Apr 1947 date	Lindau (F.Z.), Muerenberg
KUGLER, Hans	11 Jul 1945 6 Oct 1945 18 Apr 1947 date	Frankfurt/M., Frankfurt/M., Muerenberg
LAUTENSCHLAGER, Carl Ludwig	11 Dec 1946 date	Kassel, Muerenberg

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(3)

<u>Name</u>	<u>Detained</u> <u>from</u> <u>to</u>	<u>Place or Nature</u> <u>of Detention</u>
MANH, Rnd. Wilhelm	19 Sep 1945 16 Oct 1945 26 Mar 1947 date	Sonthofen (U.S. Z.), Tiefenbach (U.S. Z.), Muerenberg
OSTER, Heinrich	31 Dec 1946 date	Schluechtern (U.S. Z.), Muerenberg
SCHNITZ, Hermann	7 Apr 1945 date	Miersburg, Kramsberg, Muerenberg and others
SCHNEIDER, Christian	6 Febr 1947 date	Rosental (U.S. Z.), Muerenberg
SCHNITZLER, Georg von	7 May 1945 date	Frankfurt/M., Kramsberg, Muerenberg
TER MEER, Fritz	7 Jun 1945 date	Versailles (France), Kramsberg, Muerenberg
WURSTER, Karl	25 Apr 1947 date	Ludwigshafen, Muerenberg.

STIPULATION

For the purposes of this case, it is agreed between the prosecution and defense counsel that the above table indicates the period and place or nature of the detention of the individual defendants in Case No. VI (Farben).

By [Signature]
D.A. SPENCER
Chief, Farben Trial Team

Muerenberg, 10 May 1948

APPROVED AND ORDERED FILED.

For: TELFORD TAYLOR
Brig. Gen. USA
Chief of Counsel

In Chambers
13 May 1948

By [Signature]
Dr. RUDOLF DIX

[Signature]
CORNELIUS SHANKS
Presiding Judge, Tribunal VI

For: the Defense of Case VI (Farben)

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UNITED STATES MILITARY TRIBUNAL VI
SITTING IN THE PALACE OF JUSTICE, NUREMBERG, GERMANY
4 MAY 1948

THE UNITED STATES OF AMERICA

- vs. -

CARL KRAUCH, et al.,

Defendants.

FILED 129 May 1948 with
Secretary General
for Military Tribunals
Defense Center

ORDER

Under date of 1 April 1948, Dr. Karl Hoffmann, as attorney for the defendant von der Heyde, filed a motion requesting that the Tribunal rule "that the fact of the extermination program of Jews, in spite of rumors and the knowledge individual persons had about it, admits of no presumption that each member of an organization declared criminal by the IMT had knowledge about that and that it is for the prosecution to prove specific knowledge in every single case."

The motion suggests that a preliminary decision in the nature of a ruling on this matter of law would serve to expedite the trial of the case. The Tribunal has had this motion under consideration. It amounts to a request to the Tribunal to enter at this time an interlocutory ruling of substantive law applicable to Count IV of the indictment.

The Tribunal expresses no opinion as to the correctness or the incorrectness of the matter of law here advanced as this time. This question will be referred to consideration in the final judgment. Moreover the evidence on behalf of the defendant von der Heyde has been presented since the filing of the motion so the motion filed by Dr. Hoffmann under date of 1 April 1948 is here and hereby overruled.

Ernest G. Shike
PROSECUTING ATTORNEY

James Morris
ATTORNEY

James M. Hibert
ATTORNEY

Clarence J. Muelh
ATTORNEY

PROSECUTION NOTIFIED
12 May 1948 JOR

DEFENSE NOTIFIED

2304

6
Noted this 4th day of May 1948

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MILITARY TRIBUNALS

Nurnberg, Germany

UNITED STATES OF AMERICA

Against

KRAUCH and Others (Case VI)

FILED *12 April 1948* with
Secretary General
for Military Tribunals
Defense Center

ANSWER TO A MOTION ON BEHALF OF THE DEFENDANT VON
DER HEYDE FOR AN INTERLOCUTORY RULING CONCERNING SPECIFIC
KNOWLEDGE OF MEMBERS OF CRIMINAL ORGANIZATIONS.

TO: The Secretary General, Military Tribunals (Room 281)

1. Answer is made to a motion by Dr. Hoffmann, counsel for the defendant von der HEYDE, dated 31 March 1948 (translation received 7 April), that the Tribunal now make a ruling that the Jewish extermination program of the Third Reich admits of no presumption that each member of a criminal organization (the SS or the SD) had knowledge of this program and that the prosecution must prove specific knowledge in every individual case. Under "Substantiation", defense counsel mentions a pleading of guilty by the defendant Bohle in Case No. XI, in a part of which the defendant Bohle admitted guilt under Article 38 of the Indictment concerning the persecution of the Jews. Defense counsel used this as a basis for stating that "some members of the prosecution" had "established" that the presumption of guilt by SS members is not correct.

2. The prosecution respectfully submits that this motion should be denied. Apart from the fact that each case stands on its own merits, the undersigned has been informed by a representative of the prosecution in Case No. XI (Mr. Alexander Hardy) that the prosecution has made no statement on the record concerning the intentions of the prosecution in the light of the plea of guilty by the defendant Bohle. But even if the prosecution had made or has made an agreement with counsel for the defendant Bohle with respect to its future conduct of the case against Bohle in view of Bohle's plea of guilty, this would have no bearing on the law or any presumptions concerning members of criminal

organizations affiliated to the NSDAP. Pleas of guilt are often accepted in connection with a reduction of the charges outstanding, but this again does not alter the substantive law.

3. The ruling sought here is in effect a collateral attack upon the entire theory of the criminality of certain organizations affiliated to the Nazi Party, as found by the IMT (see p. 255 and following of "The Trial of the Major War Criminals", Vol. I). The question as to whether an individual member of a criminal organization gave sufficient support to, or had sufficient knowledge of, the activities of the criminal organizations to be punishable is determinable only after the defense case in the trial of the individual members. "A declaration (of criminality of an organization) obviates the necessity of inquiring as to its criminal character in the later trial of members who are accused of participating through membership in its criminal purposes" (p. 276, IMT Judgment).

4. The decision on the facts in any other case (such as the Scheide Case cited by counsel in the motion) rests on its individual facts. In that regard this motion is premature.

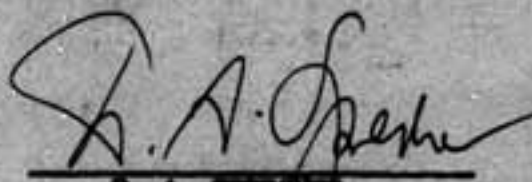
5. Even on the "expediency" and "time-saving" argument, it is difficult to see how the rule sought is well taken. It is abundantly plain from the IMT decision (as well as from the proof in Case VI) that the SS engaged in criminal activities of many kinds and on a tremendous scale, quite beyond the extermination program of the Jews. The mere fact that much of the proof concerning the operations of I.G. Farben touches the persecution of and the extermination of Jews in occupied countries and in concentration camps does not mean that under Count IV the extermination program of the Jews alone is involved. One need only

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mention the administration of the concentration camps, the resettlement of Germans in and the evacuating of Poles and Jews from occupied Poland, and the rounding up of the victims of Nazism for deportation to the East, as examples of the fallacies of such an assumption.

By:


D. A. SPEECHER
Chief, Farben Trial Team

For:

TELFORD TAYLOR
Brig. Gen. USA
Chief of Counsel

Nurnberg: 9 April 1948
(date)

Karl Hoffmann
Attorney-at-Law
Counsel for defendant
Dr. Erich v.d. Heyde

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(5)
Nurnberg 31 March 1948

To
Military Tribunal VI
Nurnberg

FILED 1 April 1948 with
Secretary General
for Military Tribunals
D. C. C. C. C.

As Counsel for defendant Dr. Erich v.d. Heyde who is charged with having been a member of an Organization declared criminal by the IMT, i.e. the SS, I submit the following motion:

The Tribunal may rule

that the fact of the extermination program of Jews, in spite of rumors and the knowledge individual persons had about it, admits of no presumption that each member of an organization declared criminal by the IMT had knowledge about that, and that it is for the Prosecution to prove specific knowledge in every single case.

Substantiation:

In the case vs. Ernst von Weissacker et al, Case XI, the defendant Ernst Wilhelm Bohle, member of the Reichstag, SS-Obergruppenfuhrer, Gauleiter and holder of the Golden Party Badge of the NSDAP, has pleaded guilty to Art. 38 of the indictment, which deals with the persecution of Jews in Germany and abroad, only insofar as a general knowledge existed through the Nurnberg Laws and other generally known exceptional regulations against the Jews.

The above named defendant in Case XI, Ernst Wilhelm Bohle, in spite of his rank of SS-Obergruppenfuhrer, Gau Leader and holder of the Golden Party Badge of the NSDAP, did not plead guilty to the extermination program of Jews, insofar as this count was brought against him.

The Prosecution in Case XI agreed on the limited admission of guilt of the defendant Ernst Wilhelm Bohle.

In the Case against Pohl et al, Tribunal No. II acquitted the defendant Rudolf Scheide, SS-Standartenfuhrer and member of the Economic and Administration Main Office of the SS, of the knowledge of the extermination program against the Jews.

Considering that some of the Prosecution's members have admitted that a prominent member such as the defendant Ernst Wilhelm Bohle had no knowledge of the extermination program, it is no longer reasonable that the Prosecution has the supposition further sustained by some other members that each member of a criminal organization must have had knowledge of the extermination program against the Jews.

If a prominent member of the SS such as an Obergruppenfuhrer has had no knowledge of the extermination program, the minor SS members, provided they did not directly participate in same, can in no way be charged with such a general knowledge.

Since Military Tribunal II in the case against the defendant Rudolf Scheide also convinced itself that the presumption that each member had knowledge of the extermination program is incorrect, it has now been established by one of the Military Tribunals as well as by some members of the Prosecution that this general supposition is not correct.

In the Case against the I.G. this general presumption is, however, maintained as before.

The fact that this general presumption is further sustained, forces the Defense of the defendant Dr. v.d. Heyde to produce new and voluminous counter-evidence which would considerably protract the trial. A preliminary decision within the sense of the foregoing motion appears therefore not only justified according to the state of affairs, but is also necessary in the interest of speeding up the trial.

(s) Hoffmann
Attorney-at-Law

Karl Hoffmann
Rechtsanwalt
Verteidiger fuer den Angeklagten
Dr. Erich v. d. Heyde

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FILED / April 1, 1948
Secretary General
for Military Tribunals
Defense Center

Nuernberg, den 31. Maerz 1948

An den

Militaergerichtshof VI

N u e r n b e r g

Als Verteidiger des Angeklagten Dr. Erich v. d. H e y d e , dem zur Last gelegt wird, Mitglied einer durch das IMT fuer verbrecherisch erklarten Organisation, naemlich der SS gewesen zu sein, stelle ich folgenden Antrag:

Der Hohe Gerichtshof moege vorab entscheiden,

dass die Tatsache des Ausrottungsprogramms gegen die Juden trotz Geruechten hierueber und der Kenntniss, die Einzelpersonen davon hatten, k e i n e Vermutung dafuer zuloesst, dass j e d e s Mitglied einer durch das IMT fuer verbrecherisch erklarten Organisation davon gewusst hat, und dass die Anklagebehoerde verpflichtet ist, in jedem E i n z e l f a l l die spezielle Kenntnis nachzuweisen.

Begrueendung:

Im Fall gegen Ernst von Weizsaecker u.a., Fall XI, hat der Angeklagte Ernst Wilhelm Bohle, Mitglied des Reichstages, SS-Obergruppenfuehrer, Gauleiter und Traeger des Goldenen Parteiabzeichens der NSDAP, sich im Punkt 38 der Anklage, der die Verfolgung der Juden in Deutschland und im Ausland zum Gegenstand hat; nur insoweit fuer schuldig bekannt, als durch die Nuernberger Gesetze und die sonstigen allgemein bekannten Ausnahmebestimmungen gegen die Juden eine allgemeine Kenntnis vorhanden war.

Der im Fall XI angeklagte, schon genannte Ernst Wilhelm Bohle hat sich trotz seines Ranges als SS-Obergruppenfuhrer; Gauleiter und Traeger des Goldenen Parteiabzeichens der NSDAP nicht fuer schuldig erklart, soweit das Ausrottungsprogramm gegen die Juden als Anklagepunkt gegen ihn angefuehrt wurde.

Die Anklagebehoerde im Fall XI hat sich mit der beschraenkten Schuldigerklaerung des Angeklagten Ernst Wilhelm Bohle einverstanden erklart.

Im Fall gegen Pohl u.a. hat der Gerichtshof Nr. II den Angeklagten Rudolf Scheide, SS-Standartenfuhrer und Mitglied des WVHA der SS freigesprochen von der Kenntnis des Ausrottungsprogrammes gegen die Juden.

Unter diesen Umstaenden ist es nicht mehr billig, dass die Anklagebehoerde, waehrend einzelne Mitglieder von ihnen bereits bei einem so prominenten Mitglied wie den Angeklagten Ernst Wilhelm Bohle, die Nichtkenntnis des Ausrottungsprogrammes zugibt, durch andere Mitglieder der Anklagebehoerde noch weiter die allgemeine Vermutung aufrechterhalten laesst, dass jedes Mitglied einer fuer verbrecherisch erklarten Organisation von dem Ausrottungsprogramm gegen die Juden gewusst haben muss.

Dies ist umso ungerechtfertigter, als wenn ein so prominentes Mitglied der SS wie ein Obergruppenfuhrer keine Kenntnis von dem Ausrottungsprogramm gehabt hat, den kleinstrangigen Mitgliedern der SS, sofern sie nicht unmittelbar daran beteiligt waren, eine solche allgemeine Kenntnis schon gar nicht zur Last gelegt werden kann.

Nachdem auch der Militaergerichtshof II im Fall des Angeklagten Rudolf Scheide sich selbst davon ueberzeugt hat, dass die Vermutung unrichtig ist, dass jedes Mitglied von dem Ausrottungsprogramm gewusst hat, ist nunmehr sowohl durch einen der

Militaergerichtshoefe als auch durch Vertreter der Anklage festgestellt, dass diese allgemeine Vermutung nicht zutrifft.

Im Fall gegen die I.G. wird diese allgemeine Vermutung von der Anklage jedoch nach wie vor aufrecht erhalten.

Die weitere Aufrechterhaltung dieser allgemeinen Vermutung zwingt die Verteidigung des Angeklagten Dr.v.d.Heyde zu erneuten umfangreichen Gegenbeweisen, die das Verfahren umfangreich in die Laenge ziehen wuerden.

Eine Vorabentscheidung im Sinne des vorstehenden Antrages erscheint deshalb nicht nur nach Lage der Dinge gerechtfertigt, sondern auch im Interesse der Beschleunigung des Verfahrens notwendig.


Rechtsanwalt

MILITARY TRIBUNALS
Nuremberg, Germany
UNITED STATES OF AMERICA
Against
KRAUCH and Others (Case VI)

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FILED 13 May 1948
Secretary General
for Military Tribunals
Defense Counsel

SECOND JOINT MOTION OF THE PROSECUTION
AND DEFENSE TO CORRECT THE ENGLISH TRANSCRIPT

The Prosecution and Defense herewith join in moving that the Tribunal order forthwith that the corrections indicated below be made in the official mimeographed copies of the English transcript:

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3046	4711	20	Delete quotation marks at beginning of line.
3047	4712	17 and 24	"Count 19" should be "Count 1B".
3048	4713	7	"interested is being" should be "interested in being".
3049	"	13	"nitrates and buns" should be "nitrates and buna".
3050	"	16	Place comma after "guidance".
3051	4714	16	Place dash after second word "you".
3052	"	31	Delete quotation marks around "wirtschafts- saubau" "(Economic Development)" should be "(Reich Office for Economic Development)".
3053	4715	18	Place dash after "dollar-a-year men".
3054	4717	16	Change comma to semi-colon after "projects".
3055	"	17	"to assign them itself" should be "to assign them himself".
3056	"	27	"difficulties of the year," should be "diffi- culties of the years,".
3057	4718	32	First word "scientists" should be "scientific".

The above motion approved in open court 1 June 1948.

Maurice De Vinna
Assistant Secretary General
Tribunal VI

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Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3058	4719	11	Place comma after first word "aggression".
3059	"	27	"differings" should be "sufferings".
3060	4723	29/30/31	Change from "This rebuttal pre-supposes" in line 29 through "Third Reich;" in line 31 to read "For this rebuttal, especially for the fact that my client was not in a position to prevent wrong, not to mention that he himself did not cause such wrong, plays a final decisive role the fact of the political and social set up of the Third Reich;".
3061	4724	1	Place comma after first word "is".
3062	4726	title	Delete the title "Opening Statement Schmitz".
3063	4726	6	Sentence beginning with last word in line "Hitler" should begin as follows: "Without this cooperation," namely the cooperation of industry, "Hitler
3064	"	18	Capitalize the word "Tageblatt".
3065	"	21	Second word "in" should be "on".
3066	4727	3	"though by them" should be "thought by them".
3067	"	25	"presumptions" should be "presumptious".
3068	"	45	First word "researches" should be "researchers".
3069	4730	10	"are not directed" should be "were not directed".
3070	4731	4	Change comma to semi-colon after "aggression".
3071	"	5	Change comma to semi-colon after "spoliation". "Count II" should be "Count III".
3072	"	16	Place dash before and after last three words "this is important".
3073	"	16	Place comma after "number 10". Delete comma after "accessories".
3074	4732	9	Last word "Hitler's" should be "the".
3075	"	10	Insert "by Hitler," after "industry".
3076	"	16	Delete "3.) b." at beginning of line.

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Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3077	4732	27	Insert "on 24 November 1947 in the Flick case" after "Taylor's objection".
3078	"	31	First word "although" should be "since". Last two words "they were" should be "who were".
3079	4736	8	"construction" should be "constriction".
3080	4738	32	"serial warfare" should be "aerial warfare".
3081	4740	2	Change second word "are" to "so".
3082	4742	28	Change semi-colon to comma after first word "law".
3083	4745	1	"of a will" should be "of all will". Delete last three words "from this resulting".
3084	"	3	Change "strength and power led Hitler," to read "the strength and power resulting from this led Hitler,".
3085	"	3	Place comma after "Tribunal".
3086	4751	4	"in so far as the" should be "in so far to the".
3087	4752	17	Insert "would" after "economically".
3088	"	18	Delete first word "would".
3089	4758	8	Third word "imply" should be "incriminate".
3090	4763	10	Place comma after "Hoerlein".
3091	"	11	Delete comma after first word "year".
3092	"	23	Change "in the second contract" to read "in connection with the second contract, Exhibit 1275, NI-5611,".
3093	4765	8	Change semicolon to comma after last word "Hoerlein" and add "that" at end of line.
3094	4766	28	Last word "paris" should be "pares".
3095	"	31	"Pharmaceutic" should be "Pharmaceutical".
3096	4767	Pagination	Change "4867" to "4767"
3097	"	25	Insert "Exhibit 1530, NI-9811," after "affidavit,".

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Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3098	4768	21	"in inconvenienced" should be "be inconvenienced".
3099	"	31	Last two words "it supervisory" should be "its supervisory".
3100	4770	27	Change comma to semi-colon after "presented".
3101	4772	32	Place single quote before "he is now" and delete quotation marks after same.
3102	4773	1	Place single quote at end of line after "camps."
3103	"	2	Change quotation marks to single quote before "as you can imagine".
3104	"	4	Place single quote before quotation marks after "preparation".
3105	"	11	Insert "also" after "as I have".
3106	4774	20	Last word "on" should be "in".
3107	4775	26	Quotation ends with first word "Typhus" in line 26. Remainder of line beginning with "no evidence" and following lines to bottom of page are not a quotation and should not be indented.
3108	4776	1-7	Not a quotation. Should have regular page margins. Should not be indented.
3109	"	8	"sentence," should be "sentences,".
3110	4782	11	"which it hoped" should be "which it hoped".
3111	4783	30	Change period to comma after "rubber".
3112	4785	19	"have looked" should be "have locked".
3113	4789	16	Last word is "were".
3114	"	20	Last word is "industrialists".
3115	4790	6	Insert "this" after first two words "by which".
3116	"	15	Add "of" at end of line after "effectiveness".
3117	"	20	Last word is "most".
3118	"	24	Last word is "its".
3119	4792	5	Change entire line to read "introduction of foreign workers, did all they could to make the lot of the foreigners entrusted to them by law and the authorities as good as possible. I".

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Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3120	4792	25	Delete first two words "submitted yesterday". Insert "submitted yesterday" after "Defense".
3121	"	30	Add "the" at end of line after "sphere of".
3122	4793	8	Add "far" at end of line after "so".
3123	4794	8	Insert "in 1938" after "annexed itself".
3124	"	10	Insert "for the period 1938 to 1945" after first word "falls".
3125	"	11	Add "this regulation" at end of line after "the privileges of".
3126	"	12	Change entire line to read "a conception which the authors of this regulation had not thought of and which portends the issue of international law since in every war, every state".
3127	4795	26	"take any effect" should be "have any effect".
3128	4796	13	Delete "the" before last word "peace".
3129	"	24	First word "survivine" should be "surviving".
3130	4797	7	Delete "either" after "24 hours".
3131	"	24	Delete first word "anyway".
3132	"	29	Delete "In as much as" at beginning of line and begin sentence with "The Defense".
3133	"	30	Change "this matter this will only be the case in connection" to read "this matter only in connection".
3134	4799	15	Change "had been submitted to him" to read "had been turned over to him".
3135	4801	24	Second word "Now" should be "New".
3136	4803	29	"causes by them." should be "caused by them."
3137	4805	16	Last word "Fudin" should be "Fuadin".
3138	"	22	Last word "treaties" should be "treatises".
3139	4807	title	Delete title "OPENING PLEA AMBROS".
3140	4809	17	"is the synthetic" should be "whether the synthetic".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3141	4809	18/19	Insert "is" after first word "product" in line 18. Delete parentheses around "can be answered in the affirmative".
3142	4813	7	"Brontosil" should be "Frontosil".
3143	4814	23/24/25	Delete as repetition "he advanced until he finally took over, together with his colleague Schneider, the entire management of the Leuna plant;"
3144	4815	3	"with I.G." should be "within I.G."
3145	"	24	Change period to comma at end of line after "currency".
3146	4816	4	"leadership" should be "leader".
3147	4818	9	Delete third word "has".
3148	4820	4	"Economic Group" should be "Economic Groups".
3149	"	6	First word "projects" should be "project".
3150	4821	27	First word "allegations" should be "allegation".
3151	4826	11	"definint" should be "defining".
3152	4827	3	Delete quotation marks at beginning of line before "the only".
3153	4828	13	Last words "that is" should be "that it".
3154	4829	25	Delete comma after "from him". Next word "informations" should be "information".
3155	4840	5	"is therefore case," should be "is therefore cast".
3156	4842	Pagination	Change "4843" to "4842".
3157	"	32	"with its implementary" should be "with their implementary".
3158	4847	8	Change "Russian abstention" to "Russian counter-order".
3159	"	10/11	Delete "and therefore".
3160	4848	1	Delete comma after "gains".
3161	"	28	Delete comma and "and" after "take place".
3162	4850	18	Insert "as" before last two words "not to".
3163	"	27	Delete "responsible" before "Organs".
3164	"	28	Delete comma after "Soviet Union". Change following words "inconjunction with" to "responsible for".

Item No.	Transcript page	Line(s)	Proposed Correction
3165	4850	29	Change entire line to read "the prerequisites embedded in clauses of so-called".
3166	"	30	First word "offense" should be "offenses". "as it has been" should be "as have been".
3167	4851	8	Change entire line to read "which had ordered that the question of the guilt of the Soviet Union could".
3168	4852	15	Delete "the" before last word "Farben".
3169	"	19	First word "mean" should be "men".
3170	4855	8	"In regard to the" should be "In view of the".
3171	"	9	Change "and w. With regard to my" to read "and 3, in view of my".
3172	"	13	"in the case" should be "in case".
3173	"	14	"But in this case," should be "But in that case,".
3174	"	15	Delete "on" after "later".
3175	4857	1	First word should be "monstrous".
3176	"	6	Delete period after first word "accusations" and also next word "But".
3177	"	11	"to gange" should be "to gauge".
3178	"	17	Insert "some" after "the fact that".
3179	"	19	"these members" should be "those members".
3180	4858	17	Delete comma after second word "ground".
3181	"	18	"ever person" should be "every person".
3182	4860	9	Delete semi-colon after "Germany".
3183	"	27	"were passed," should be "were passed by".
3184	4862	25	Delete comma after first word "machine".
3185	4863	19	"enough provided" should be "enough be provided".
3186	"	29	Insert "argument" after "substantial".
3187	4864	1	"every employed" should be "every employer".
3188	"	13	"French workers" should be "French worker".

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Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3189	4864	18	"a war feeling" should be "a warn feeling".
3190	4865	9	"(Volkswirtschaft die Abteilung)" should be "(Volkswirtschaftliche Abteilung)".
3191	"	10	Change comma to semi-colon after "NW 7".
3192	"	15	"bourse" should be "course".
3193	"	25	"to custain" should be "to sustain".
3194	"	27	"Dr. Mer Ilgner" should be "Dr. Max Ilgner".
3195	4867	24	Add "doubt." followed by quotation marks after last word "reasonable".
3196	4868	17	"and quote" should be "and I quote".
3197	"	18	"the flaring" should be "the blaring".
3198	"	21	Insert "Under the direction of this man was" before "the management" at beginning of paragraph.
3199	4869	4	"Magnus Alesander" should be "Magnus Alexander".
3200	"	9	"Volkswissenschaftliche" should be "Volkswirtschaftliche".
3201	4870	3	"it won't" should be "there won't".
3202	"	18 and 20	"Vomi" should be "Vowi".
3203	4871	15	Insert comma, and "the WIPO," after "Policy Department".
3204	4874	12	"this connection" should be "his connection".
3205	4875	14	Delete "as" after "to be just".
3206	"	16	"could maintained" should be "could be maintained".
3207	4877	10	"in the mean of the Indictment" should be "in the meaning of the Indictment".
3208	"	19	"efficacious medicine" should be "efficacious medicines".
3209	4878	6	"were carried" should be "are carried".
3210	"	8	second word "received" should be "receive".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3211	4880	28	"also inducted" should be "also included".
3212	4881	13	"independent" should be "independence".
3213	4882	7	"in hospital" should be "in the hospital".
3214	"	25	"but further processing" should be "with further processing".
3215	4883	4-12	Delete lines 4 to 12 inclusive.
3216	4885	19	"was very very active" should be "was very active".
3217	4887	8	Second word "purpose" should be "purposes".
3218	4889	2	"Riga-Konto" should be "Riga-Konter".
3219	"	27	Complete the paragraph with following sentence: "I shall prove that through this contract with Rhone-Poulenc, the sovereignty of this French firm was in no way limited."
3220	4890	7	Insert "in their" after "the circumstances".
3221	4893	8	"to the event" should be "to the events".
3222	4894	16	"the development in price" should be "the developments in price".
3223	"	17	"as result" should be "as a result".
3224	4895	6	"that facts" should be "these facts".
3225	"	15	"decision taken" should be "decisions taken".
3226	4896	30	"it its efforts" should be "in its efforts".
3227	4898	22	First two words "by any" should be "by anyone".
3228	4901	22	Place comma after "in 1932 when". Insert comma and "an alliance" after "Prosecution alleges".
3229	4905	1	Insert the following before line 1 of this page: "I will prove, your Honors, that Dr. Wurster was a stranger to the".
3230	4906	5	"facial superiority" should be "racial superiority".
3231	4910	16	Delete comma after "a fellow lawyer".
3232	"	7	Insert comma after "in exile".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3233	4910	25 to 31	Do not indent. Not a quotation.
3234	4911	1 to 12	Do not indent. Not a quotation
3235	"	15	Place comma at end of line after "application that".
3236	" :	16	Place comma after "Secret Treaty".
3237	4912	14	"with Count" should be "with this Count".
3238	4914	21	First word "supplied" should be "supplies".
3239	4915	7	Last word "spote" should be "spot".
3240	"	9	Insert "the direction" after "to hand over".
3241	4917	29	"as Auschwitz" should be "at Auschwitz".
3242	4918	12	"of course" should be "of courses".
3243	"	22	"5-70 %" should be "50-70 %".
3244	4921	11	Change "example another, makes in" to read "example that a former concentration camp prisoner, who is a Jew, makes in".
3245	"	17	Place quotation marks after "Gestapo."
3246	"	22	Place quotation marks at end of line after "formality..."
3247	"	28	Last word "Kopos" should be "Kapos".
3248	4922	31	Delete quotation marks before "Finally".
3249	4923	17	Delete "Q.". Place quotation marks at beginning of paragraph before "The labor".
3250	4924	1	Place quotation marks at beginning of line before "I even".
3251	"	16	Place quotation marks at beginning of line before "To sum up".
3252	"	28	Add "in" at end of line after "I.G. Farben".
3253	4925	31	Insert "to find" after "by all means".
3254	4927	3	Third word "Frequently" should be "frequent".

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Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3255	4927	7	Insert "was" after "my coming".
3256	"	15	"Control Committee" should be "Central Committee".
3257	"	24	Place semi-colon after "I.G. Farben".
3258	4928	7	Delete quotation marks before "Farben".
3259	4929	8	Insert "in" after "I.G." and before "which".
3260	4930	19	"what is asserted" should be "as is asserted".
3261	4933	11	Insert "I" after "at all events" and before "consider".
3262	"	32	Delete comma after "point of view".
3263	4934	31	First word "defendant" should be "defendants".
3264	4935	3	Change comma to semi-colon after "1933".
3265	"	6	Delete comma after "Proofs" and place it after following word "that".
3266	4936	9	"knowledge of" should be "knowledge or".
3267	4937	5	"with the concept" should be "with their concept".
3268	4938	26	Place comma after "Prague". Also one after "Wehrmacht".
3269	4942	10	"could see if." should be "could see it."
3270	4943	9	Delete "have" after "German nationals".
3271	"	11	"my client had done." should be "my client did."
3272	4946	16	"witness." should be "witness Amend."
3273	4947	19	"the Prosecution is" should be "the Prosecution's".
3274	"	32	"the Prosecution has no position at this point." should be "the Prosecution takes no position on this point."
3275	4948	1	Change entire line to read "If the Defense does not need them here, the Marshal may excuse".
3276	"	13	Insert "were" before "contemplated".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3277	4949	8	Delete "it" before "is being" at end of line.
3278	4950	7/8	Change "therefore" to "that".
3279	4956	11	Change "since," to "and,".
3280	"	12	"he is not able" should be "my client is not able".
3281	"	15	Change "he can change his mind in" to read "after this discussion he may wish to make a final definite proposal in".
3282	"	22	"How, our proposal" should be "Now, our proposal".
3283	4959	31	"The Anorgana" should be "Concerning Anorgana".
3284	4961	10	Delete first word "Gesellschaft". "page 6" should be "page 4".
3285	4963	15	Delete "which" after "list".
3286	"	28	Insert "and" before "Schoenebeck".
3287	"	31	"both is the same" should be "both are the same".
3288	4965	28/29	"Verkaufsgesellschaft" should be "Verkaufsgemeinschaft".
3289	"	29	Delete entire line except last word "the".
3290	"	31	Add "the Ruhrorter" at end of line after "Dehrn:".
3291	4966	23	First word "propered" should be "prepared".
3292	4967	31	First word "me" should be "you".
3293	"	32	Delete comma after "1945". Change second word "regarding" to "on".
3294	4968	5	"the direct participations" should be "the indirect participations".
3295	4969	3	Insert "that you compiled" after "the compilation".
3296	"	4	Delete "that you compiled".
3297	"	5	"that that list" should be "that your compilation".
3298	"	7	"of the direct" should be "of both the direct".

Item No.	Transcript pages	Line(s)	PROPOSED CORRECTION
3299	4969	23	Last two words "to have" should be "to be".
3300	"	24	Delete first word "that".
3301	4970	1	Change "containing indirect" to read "which contains the indirect participations".
3302	4971	1	"Tribunal" should be "Commission".
3303	"	15	After first word "(participations" insert "and that the source of the indirect participations".
3304	"	15/16	To follow line 15 and before line 16 insert "contains the indirect participations from the Blue Book".
3305	"	20	Place comma after "contained".
3306	"	32	Change line 32 to read "possession of shares of another company, is that it?"
3307	4974	4	"sub-participation" should be "sub-participations".
3308	"	16	"indirect participation" should be "indirect participations".
3309	4975	21	"of that question" should be "of the question".
3310	"	22	"the principles" should be "what principles".
3311	4977	2	The first two words "twice too" marks the end of the paragraph. Next sentence constitutes a new paragraph and new answer and should begin "A. It was".
3312	"	4	Place "Q." at beginning of paragraph before "That is not".
3313	"	5	Add "Gesellschaft" at end of line after "Eigenheim".
3314	"	6	Delete first letter "Q".
3315	"	14	Change period to question mark at end of line after "Halle".
3316	"	18	Insert "Merseburg" before "and the Deutsche Grube".
3317	4980	10	Insert "in" after "an inquiry".
3318	"	18	Delete two of the three consecutive "that".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3319	4980	28	Delete "that" before "as to all of".
3320	4981	21	Second word "an" should be "am".
3321	4983	7	Change "Document NI 9540" to read "Document Book 2".
3322	"	27	Delete "it" after "affidavit".
3323	4984	6	"from 1940 I had" should be "from the year 1940 on I had".
3324	4987	31	First two words "and referred" should be "with a reference".
3325	4988	8	Change "the immediate document" to read "the list".
3326	"	11	Last word "it," should be "them."
3327	4989	26/27	"— what I just offered was specifically" should be "— which I just offered were specifically".
3328	"	31	"It is" should be "They are".
3329	4991	11	Insert "that" after "to clarify".
3330	"	25	"of his department" should be "in his department".
3331	4993	11	Delete second word "and".
3332	4994	19	Change "the fact" to "the assumption that the".
3333	4995	23	Last two words "as affidavit" should be "in his affidavit".
3334	"	27	Delete "for identification" after "Exhibit".
3335	"	32	Place period after "wants him" and begin new sentence with "Since".
3336	4996	1	"as of a person", should be "by a person".
3337	4997	5	Place dash after "Mr. Amend,".
3338	"	15	"are ranged" should be "are arranged".
3339	4998	10/11	Change period to comma after "Degesch" and continue sentence with "the Prosecution" in line 11.
3340	"	12	Change first word "being" to "who are".
3341	"	14	"this witness has" should be "that this witness has".

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Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3342	4998	18	"so far only very" should be "so far only for the very".
3343	"	30	Delete "people" after "Mr. Elbau".
3344	"	31	Change period to comma after "Frankfurt" and continue sentence with "that".
3345	4999	5	Insert "the" after "discuss".
3346	"	17	"Degussa" should be "Degesch".
3347	"	18	Place quotation marks at end of paragraph after "concerned."
3348	5000	29	"fo far" should be "so far". Last two words "reminds of" should be "reminded me of".
3349	5001	1	Change "Dessauer Werke" to "Degesch".
3350	5001	21	Change comma to semi-colon after "or less".
3351	"	23	Delete "the" after "so-called".
3352	"	25	"Degesch received" should be "Degesch purchased".
3353	"	33	"in Degussa" should be "to Degussa".
3354	5009	32	"they refer to ryklen" should be "they were for ryklen".
3355	5012	24	"was there any" should be "were there any".
3356	5013	1	Place "DR. TWERCK:" at beginning of paragraph before "I should like".
3357	5014	7	"that that question" should be "that question".
3358	5015	11	"four marks" should be "four thousand marks".
3359	5017	6	Change "MR. SPRECHER" to "MR. HINRICHS".
3360	5020	10	"as to a shorter time" should be "as to whether it should be a longer time".
3361	5023	3	Change first three words "and that that" to read "for a time limit of ten days made by me today".
3362	"	16	Last three words "other similar cases" should be "other cases similar".
3363	5024	7	Add "that" at end of line after "certain".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3364	5027	26	First word "counts" should be "points".
3365	5028	1 and 4	"counts" should be "points".
3366	"	6 and 13	"count 128" should be "paragraph 128".
3367	"	19	"Defense be relieved" should be "Defense can be relieved".
3368	"	21	"counts 131 and 132" should be "paragraphs 131 and 132".
3369	5029	13	Last two words "which ref" should be "which refer".
3370	"	16	Last word of line after "prepared" is "whether".
3371	"	21	"count 53" should be "paragraph 53".
3372	"	24	"the count" should be "this paragraph".
3373	5034	4	"documents on Krauch" should be "document books on Krauch".
3374	5035	2	Change period to comma after "repetitions". Also change "We do not think" to read "but we think".
3375	"	7	Change first two words "give an" to "thus gives on". Insert "the" before last word "basic".
3376	"	12	"use basic" should be "use the basic".
3377	"	21	"ann such difficulties" should be "and such enormous difficulties".
3378	"	22	Delete "it" after "to put up with". "which also" should be "which are also".
3379	"	25-27	Change lines 25 through 27 to read "Moreover, the organization which could furnish the main part of such material, and as it is represented by Farben, virtually no longer exists upon the orders of the Occupational Powers."
3380	5036	7	Change period to comma after "I.G. product" and complete the sentence with "Agfa Palloro Weissgold, and the picture on the cover of the 1939 edition shows an export merchant."
3381	"	8	Delete entirely first sentence "The 1939 edition deals with export."
3382	"	10	Change "deals with policy, - the general policy of our enterprise." to read "gave a general insight into our enterprise."

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Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3383	5037	26	"were before 1933" should be "was before 1933".
3384	5038	7	"President of State" should be "Secretary of State".
3385	"	8	Delete comma and change "and" to "under" after "Minister of Economics".
3386	"	9	Change first two words "There existed" to read "Especially under the Bruening government there was".
3387	"	30	Add "to" at end of line after "with the offer".
3388	5039	25	Delete entirely "THE PRESIDENT: Very well."
3389	5041	19-20	Change "24 pfennigs, individual cost, production cost. Then in case" to read "24 pfennigs production cost, and if in case"
3390	"	22	Change "a profit should be" to read "this sale price was to be".
3391	5043	14	Last words of line "the procurement of labor" should be "labor conditions".
3392	"	16	Last word of line "an" should be "as".
3393	"	20	"as it prevailed" should be "as had prevailed".
3394	"	32-33	Change "machine production" to "motorization".
3395	5046	7	Delete first word "even". Insert "even if" before "There was no rearmament".
3396	"	32	Place comma after "Government".
3397	5047	18	Place comma after "1930".
3398	"	26	Change "procurement of labor" to "labor conditions".
3399	5049	1	Insert the following as a complete line before line 1: THE MARSHALL: The Tribunal is again in session.
3400	5050	1-9	Change this entire paragraph to read as follows: A. In the second paragraph from the end I find: "The companies represented by us have become members of the Compulsory Combine for the Soft Coal Industry as a

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
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result of the Ordinance relating to the foundation of industrial compulsory combines within the Soft Coal Industry, dated 28 September 1934 (Reich Law Gazette, Part I, page 863).

"Together with the Director of the Reichsbank, Dr. Deumer, Reich Commissioner of the Compulsory Combine for the Soft Coal Industry appointed by the Reich Minister of Economy and, at the same time, in accordance with the first Ordinance for the execution of the Ordinance mentioned, Reich Commissioner for the joint stock company to be founded, we have assembled here to found the joint stock company mentioned in paragraph" and so on.

3401	5050	21	Insert "which" after second word "company".
3402	"	23	Change "to assume control of the business;" to read "to gain influence on the leading men of the economy;"
3403	"	26	"injectingation" should be "injection of".
3404	5051	6	Insert "for lucrative purposes" before last two words of line "were now".
3405	"	9	Delete period after "business" and continue sentence with "since". "state funds" should be "state tax funds"
3406	5052	6	"the creation of" should be "the publication made by the".
3407	"	20	Change "my time as technical" to read "my time and my work, as technical"
3408	"	21	Change period to comma after "Oppau plant".
3409	"	28	Insert "which always had to remain in contact with me," after "the Krauch Office,".
3410	"	29	"and the Vermittlungsstelle" should be "the so-called Vermittlungsstelle".
3411	"	30	"to contact me" should be "to keep in contact with me".
3412	5053	12	Place comma at end of line after "Statistics".
3413	"	13	This line should read "the Reich Ministry of Economics, or others."

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Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3414	5054	17/18	Place period after "the plants". Change rest of line 17 through first word in line 19 to read "The Vermittlungstelle knew best the men in charge of the field and sent the inquiries to these men."
3415	"	23	"were avoid," should be "were avoided,".
3416	5055	21	"for treason" should be "for high treason".
3417	"	31	Change entire line to read "simply to send on the inquiry to these offices and to return their answer."
3418	5056	11	Second word "plants" should be "plans".
3419	"	14-15	Change "certain measures in the United States, for the so-called" to read "certain measures were undertaken in the United States, the so-called".
3420	"	22-23	Change "about how unnecessary I considered such plans and work," to read "about it, examined some plans and works of that kind,"
3421	5057	1	Delete semi-colon after "Of course".
3422	5058	16	"in its field" should be "in this field".
3423	5059	14	Delete comma and insert "of" after "representatives".
3424	5061	1	"to that" should be "so that".
3425	5061	31	Change entire line to read "Trade Delegation, and it was planned that I go to Russia".
3426	5067	13	"was imported" should be "be imported".
3427	"	20	"to food import" should be "to import food".
3428	"	23	Add "that" at end of line after "that was".
3429	5068	1	"did one approach" should be "did they approach".
3430	"	4	Delete "for the country" after "foreign exchange".
3431	"	5	"available abroad," should be "available abroad for industry."

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Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3432	5068	15	Change "would go a long way towards" to read "would create the possibility of".
3433	5069	21	Change "Bosch agreed with me" to read "Bosch advised me to join it".
3434	5070	4	"that one thought" should be "that they thought".
3435	"	6	Change "that not politicians" to read "that no inexperienced men".
3436	"	25	"new glasses" should be "new gasses".
3437	5071	15-16	Change "metholated spirits which was not very suitable and new ways" to read "methylated spirits, an article which was no longer available in the required quantities, and new ways".
3438	5072	29	"Mc Owen" should be "Mc Gown".
3439	5073	1 and 2	"McOwen" should be "Mc Gown".
3440	"	31	Insert "of the state" after "organization".
3441	5075	1	"which then was" should be "who then was".
3442	5077	15	Change semi-colon to comma after "our studies".
3443	5078	30	"mention rubber where" should be "mention the rubber works combine where".
3444	"	31	"who had" should be "and had".
3445	5081	5	"which had existed" should be "which existed".
3446	"	6	Delete first word "ever".
3447	"	24	Insert "memorandum" after first two words "In the". Place quotation marks before "Economic Mobilization" and after "America". Capitalize "Economic" and "Mobilization".
3448	"	27	"more measures" should be "more war measures".
3449	5082	4	"document" should be "documents".
3450	"	7	"of a trade usage" should be "of commercial use".
3451	5083	9	Last word "had" should be "has".
3452	"	10	"they can be used" should be "it can be used".
3453	"	13	Insert "Goering's" before "State Secretary Koerner". Delete "under Goering," before last word "who".

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Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3454	5084	9	Change entire line to read "which would have been able to provide raw materials for the purposes of".
3455	"	10	"general" should be "generally".
3456	"	15	"1936" should be "1937".
3457	5086	8	"datelines" should be "deadlines".
3458	"	9-10	Change "aims as they really were to be reached." To read "aims to be attained."
3459	"	10	"datelines" should be "deadlines".
3460	"	12-14	Change sentence from "During" in line 12 through "Synthetics." in line 14 to read "During the middle of 1933 I saw a complete copy of the reports which at one time Schacht called the 'Bible' for fun, reports which were sent regularly to Goering by the Office for Raw Materials and Synthetics."
3461	"	16	"datelines" should be "deadlines".
3462	"	21	Change "datelines," to "deadline figures,".
3463	"	30	Change "reports." to "fields."
3464	5087	3	"he said that" should be "I said to him that".
3465	"	9	"those instances." should be "other instances."
3466	5089	9-14	Change the whole paragraph to read "In the next few days I examined the plans which had been made before by the Office for Raw Materials and Foreign Exchange and later by the Office for Raw Materials and Synthetics, plans which had been unknown to me before, and after a few days I submitted them to Goering at his request. The report described the development separately in each field, and Goering asked me for my opinion how and when these products could be produced in the quantities mentioned and according to the deadlines."
3467	"	24	Last three words "for the year" should read "which could be reached in the year".
3468	5090	1	Change "crisis" to "prices".
3469	"	11	Change "original" to "production".
3470	"	13	Insert "in 1929" after "when".

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Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3471	5090	27	"80 pfennigs" should be "28 pfennigs".
3472	"	29	Insert "and" before "under these auspices".
3473	5091	6	Place period after "argument" and begin new sentence with "In the field".
3474	"	7	Delete comma and "where" after "Buna".
3475	"	21/22/23	Change entire sentence beginning with "He said that" to read "He said that he had assured Hitler that these figures could be reached in the year 1940 mentioning the well-known Four Year Plan, and that he had always been supported by the figures which had been given."
3476	5092	1	Delete "A." at beginning of line
3477	"	9	Complete sentence ending with "for expansion." to read as follows: "for the expansion which was absolutely necessary for the material battles which had begun at that time." The rest of the paragraph remains unchanged.
3478	"	15/17	Change lines 15, 16, and 17 to read "my opinion since otherwise I should have known in quite another degree the requirements of the nitrogen industry which had to supply the main product for powder and explosives, that is, nitric acid."
3479	"	19	Insert "and the annual figures concerning the deliveries to the powder and explosives factories." after "from the nitrogen industry" as part of the same sentence.
3480	"	22	"year 1928" should be "year 1938".
3481	"	26/27	After line 26 and before line 27, insert "It included the fields of mineral oil, Buna, light metals, powder, and explosives."
3482	5093	6	"of 1939 and '39" should read "in the years 1938 and 1939".
3483	"	19	"What was" should be "That was". Delete question mark after "oil".
3484	"	23	"10,000 tons" should be "20,000 tons". Delete "Utopian"
3485	"	24	Delete comma and insert "for one year," after "rubber".
3486	"	25	Change "in the case of Buna for oil" to read "in the case of oil".

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Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3487	5096	4	Second word "was" should be "were".
3488	"	25	Insert "on my part" after "interference".
3489	"	31	Place comma after "such materials".
3490	5097	17	Place quotation marks before "There must be".
3491	"	21	Delete quotation marks at end of paragraph.
3492	"	26	Place quotation marks after second word of line "decision".
3493	5099	2	"to include" should be "to conclude".
3494	"	14-15	Change "to make expenditures" to read "to give orders".
3495	5101	7/8	Change end of paragraph from "and that the plan" to read "which was not under me. But I simply had to calculate with these allotments and the plan was regulated accordingly."
3496	5103	5	"That was" should be "He was".
3497	5104	18-19	Change "and it was decided" to "and decided".
3498	5105	1 and 3	Change "bricks" to "quotas"
3499	"	4	Change "Planning Office which had" to read "Planning Office to which the required quotas had to be submitted, and which had".
3500	"	26	"Exhibit 483" should be "Exhibit 463".
3501	5106	5 and 7	"armament industry" should be "Armament Ministry".
3502	"	29	Delete last word "is"
3503	"	30	Change first word "satisfied" to "states". Place quotation marks at end of line after "possible."
3504	5109	21	Change "understanding" to "enterprise".
3505	5110	31	Last two words "to the" should be "of the".
3506	5112	23	Change "industries' coming" to read "the coming of industrial associations".
3507	5113	31	"figures out" should be "figured out".
3508	"	32	Change "of 120,000 tons per month." to read "120,000 tons of iron per month for the field of mineral oil."

Item No.	Transcript pages	Line(s)	PROPOSED CORRECTION
3509	5114	22	Change "Karinhall Plan at the beginning of the war. There" to read "Karinhall Plan. At the beginning of the war, there".
3510	5115	7	"for any" should be "or any".
3511	"	21-22	"connection" should be "bond".
3512	5118 & ff.	7 & ff.	"Reich Office for Economic Expansion" should be "Reich Office for Economic Development"
3513	"	20/21	Change lines 20 and 21 to read "Q. Was that also true for both your positions as Plenipotentiary General for Chemistry and as head of the Reich Office for Economic Development?"
3514	5119	12	Change "I was not a state official." to read "I could only be provisional head because I was not a state official."
3515	5121	23/24	Change sentence beginning with "You say that" to read "Please say briefly what in your opinion was the proportion of the things connected with I.G. in the Four-Year Plan to all the other important projects discussed in the Four-Year Plan?"
3516	5125	28	Insert "to the Ordnance Office. I advised them to do so" after second word "suggestion".
3517	5126	12	"aviation industry" should be "Aviation Ministry".
3518	5128	4/5	"a plant for soft coal," should read "a plant on the basis of soft coal."
3519	5130	32	Last two words "good men" should be "young men".
3520	5133	4	Change "I named Dr. Schacht will probably" to read "I named Dr. Schacht as a witness. Dr. Schacht will probably".
3521	"	7	"any incidents" should be "many incidents".
3522	5134	1	"to them" should be "then".
3523	"	9	Insert "belongs" after "To this circle".
3524	"	13	First word "statement" should be "statements".
3525	"	25	Last word "Koerner" should be "Karinhall".
3526	"	27	Delete quotation marks at end of paragraph after "Council."
3527	5135	3-4	Change these two lines to read "Q. Please, what do you have to say about the drafting of this report and about its final contents?"

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Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3528	5135	6	Insert "a" before "report".
3529	5136	3	"that is, October 1936." should be "and in October 1938."
3530	5137	11	"In the season" should be "In the session".
3531	"	27	Badly typed words after "if we enter" are "the race,".
3532	5139	18	Insert "but" before last word "I".
3533	"	19	"to me now," should be "to me lately,".
3534	"	22	"that the indebtedness" should be "when the indebtedness".
3535	5141	1	"of the state priority." should be "of state rank."
3536	"	19	"I mean the entire" should be "I mean of the entire".
3537	5142	27	"Coering thought" should be "Coering said".
3538	5144	14	Delete "agency" after "OKW"
3539	"	22	Change first word "joined" to "founded"
3540	5145	9	Change last word "previously," to read "in advance,".
3541	5146	11/12	Change "people who treated the development of this problem only from" to read "people who had no insight into the development of this problem and who treated it only from".
3542	5151	28/29	Change these two lines to read "A. For the appointment as Wehrwirtschaftsfuehrer there have been many detailed documents from which one could gather that this was a sort of".
3543	5153	Title	Delete title "AFTERNOON SESSION"
3544	"	10	"Expansion" should be "Development"
3545	5154	5	"dealt principally with" should be "were due principally to".
3546	5162	4	"The chemical industry had been" should be "The Polish chemical industry was".
3547	5164	3	First word "by" should be "to".

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Item No.	Transcript page	Line(s)	Proposed correction
3548	5167	26	"by way of expansion." should be "by way of exchange."
3549	5168	23	Third word "armament" should be "alumina".
3550	"	30	"the A.W." should be "the V.A.W."
3551	5169	2	"after the war." should be "during the war."
3552	"	6	Second word "in" should be "within".
3553	5170	2	"page 89" should be "page 98".
3554	5174	29	"for our cooperation." should be "for their independence."
3555	5175	27	Second word "operation" should be "cooperation".
3556	5176	16	Last two words "for the" should be "from the".
3557	"	17	First word "adoption" should be "adoption".
3558	5177	13/14	"to German industry" should be "for German science".
3559	5178	4	Delete "discussed the subject which".
3560	5179	12	"is treated" should be "will be treated".
3561	5180	31	Insert "skilled" before "labor".
3562	5181	6	Change "and in the course retained" to read "of retaining".
3563	"	7	"to occupy" should be "by occupying".
3564	"	12	"on my agency." should be "from my agency."
3565	5182	4	"Exhibit 754" should be "Exhibit 457".
3566	"	5	"page 199" should be "page 196".
3567	5184	31	Insert "page 41 of the English and" after "Volume 22,".
3568	5185	29/30	Change from "of labor" in line 29 and all of line 30 to read "of manpower you were influenced as to the expert suggestions which you had to give?"
3569	5187	20	Change entire line to read "was involved also, which was of course made up of officers of the Army."

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Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3570	5188	5	Change period to comma and insert "after" after "occupied".
3571	"	24/25	Change lines 24 and 25 to read "Q. And is it also correct that you were quite outside of these authorities which were designated as agencies of".
3572	5189	26	Place period after "addition". Change next three words "to him that" to read "I told him that".
3573	"	29	"with a number" should be "of a number".
3574	5190	10	Change "very likely for me to go" to read "very natural for me to have this thought again and to go".
3575	5194	18	Last word "they" should be "you".
3576	5196	19	"I was" should be "it was".
3577	5197	16-18	Change from "they had him" in line 16 through "workers." in line 18 to read "they asked them for the number of workers assigned to construction sites of the Gebechem according to the proper priority rating."
3578	5198	15	Third word "force" should be "forced".
3579	"	31	Last two words "for I" should be "and I".
3580	5199	10	"could find" should read "would be able to find".
3581	"	26	Delete "the dead" after first word "there".
3582	5201	15	"They were" should be "The reason was".
3583	"	20	"these social" should be "the social".
3584	5203	2	Last word "to" should be "or".
3585	"	3	Second word "the" should be "a".
3586	"	27	Change "on the certain stages arrived at" to "on the fixed basis".
3587	5204	7	Change "with social care, the hospitals," to read "with difficulties, because the social installations, hospitals,".

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Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3588	5204	8	Delete "which" after "and so on".
3589	5205	10	"requite" should be "quite".
3590	5206	27	Change entire line to read "Q. Dr. Krauch, tell me what Dr. Andresow in conclusion told you to do, and then you may proceed."
3591	5207	6	Add "the" after last word "under".
3592	5208	31	Delete "in Document 1371" (before last two words "in Document").
3593	5209	10	"if it" should be "it if".
3594	5210	26	Insert "to be " before last word "done".
3595	5211	8	"receive workers" should be "receive replacements".
3596	5212	4	Change first three words "then you say" to "the question for the". Delete "then" before "I understood)".
3597	"	9	"the years production" should be "the yeast production".
3598	5213	1	"Tell me further, besides" should be "You say further, that besides".
3599	"	5	Change entire line to read "if there is not a contradiction here with your assertion that you".
3600	"	10	"potentiary had accompanied" should be "potentiaries of your office had accompanied".
3601	"	11	"that hor your" should be "that not your".
3602	"	20	"tendency" should be "point".
3603	5215	17	"the fact" should be "the fate".
3604	5216	22	"Exhibit 12, page 1287" should be "Exhibit 1287".
3605	5217	27/28	"of 10 March 1941" should be "of 3 October 1941".
3606	5218	20	Change "on you plants on the" to read "by you in the".
3607	5219	15/16	Change "were used for construction rather than production work." to read "were withdrawn from the chemical industry and used for construction of fortifications."

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3608	5221	1	Insert "to the best of your knowledge" after "It is your opinion".
3609	"	2	"were only" should be "only were".
3610	"	5	Change "in Auschwitz. I am referring to the well-known" to read "in Auschwitz with the well-known".
3611	"	18	"not being any" should be "there was no".
3612	5223	3/4	Change from "something which" in line 3 through "circumstances," in line 4 to read "and indeed under such circumstances it would be entirely unbearable for the plant manager from a human point of view."
3613	5224	14	Insert "of the Karinhall Plan" after "no plant".
3614	5225	8	"planning" should be "construction".
3615	"	28	Insert "on economy, or war economy," after third word "sabotage".
3616	5226	16/17	Delete "with respect to the employment of concentration camp inmates".
3617	5227	5/6	Change line 5 through "quite:" in line 6 to read "To what subject does this paragraph 9 of your affidavit refer:"
3618	"	11	Insert "for" after first word "labor".
3619	"	22	Change period to comma and add "Document Book 73, page 105 of the German." at end of line, after "Exhibit 1430".
3620	5228	3	"meant" should be "mean".
3621	"	5	Change "had reached" to read "had arrived from".
3622	"	28	"the building plant" should be "the third plant".
3623	"	29	Insert "and of the Reich Office for Economic Development." after "G.B. Chem."
3624	"	30	Change entire line to read "carry out the basic negotiations on financial and site questions immediately in order that the plant may be".

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Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3525	5229	7	Change the following: up to ... "this-and-that capacity." to read "up to 150,000 tons per year."
3626	"	15/16	Delete "No, no. You are not getting the right passage."
3527	"	16/17	After line 16 and before line 17, insert the following: A. "The I.G. would at the same time..." Q. No, No. You are not getting the right passage. "The site suggested by I.G. for the third Buna plant, Ludwigshafen, was approved and..."
3528	"	18	Insert "an appropriate site for" after "to find".
3529	5232	12	Third word "yours" should be "yourself".
3630	5234	13	Change "to see to tit" to read "to order".
3631	"	14	Delete "to order".
3632	5236	9/11	Change entire sentence beginning with "By doing so" to read "Because of this, the officials under my jurisdiction had differences of opinion with him who on behalf of the security of the army also urged on the commitments in other plants of the Plenipotentiary General."
3633	5237	13	Insert "that" after "department".
3634	5240	23	"sued" should be "used".
3635	5241	1	Delete period and insert "and that concentration camp inmates are employed there" after "proper way".
3636	5243	32	"smilingly" should be "laughing".
3637	5244	19	"so that they stood" should be "so that the SS men stood".
3638	5246	2	"in this question" should be "on this question".
3639	5247	28	Place quotation marks at end of line after "city".
3640	"	24	"plant" should be "camp".
3641	5248	28	Delete "oil" before "shale".
3642	5249	14	Change "it lay close at hand," to read "it was obvious,".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3643	5254	17	"connection to him," should be "connection with Couring,". Delete "of" before "which I knew".
3644	"	18	Delete third word "it".
3645	5257	20	"in recognizing" should be "while recognizing".
3646	5262	23	Delete "Bedarfs to get" and begin sentence with "The Plenipotentiary".
3647	5263	8	"were instigated" should be "was instigated".
3648	5265	14	"the firm's individual recruitment" should be "the firms' individual recruitment of".
3649	5269	25	Delete "and voice his own measures".
3650	"	25	Delete last word "and".
3651	5270	5	Change "lading" to "leading".
3652	"	10	Delete second word "it".
3653	"	26	"plan leader" should be "plant leader".
3654	5271	8	First word "a" should be "the".
3655	"	9	"if it has gotten started" should be "once it got started".
3656	5273	7	"over organization" should be "higher organization".
3657	"	8	"but its business" should be "and its business".
3658	5274	26	Insert "he" after "and certainly".
3659	5277	20	Insert "what" before "were your duties".
3660	5278	16	"committees and premiums" should be "committees and premiums".
3661	"	17	"industry." at beginning of line should be "supply industry."
3662	5289	22	Change "Just before that." to "Just a moment."
3663	5291	3	Third word "inquire" should be "inquiry".
3664	5292	21	Insert "know" after first word "not".

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Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3665	5293	5	"who mainly had" should be "who mainly had".
3666	5310	26	Change and complete entire line to read as follows: "so that all persons present must have had the impression that Kramich had not followed the orders given by Goering and therefore was responsible for the great damage caused by the air raids."
3667	5311	14	Insert "on a larger scale" after "expert advice".
3668	"	15	Change first three words "and he entered" to "in". Also change "and then the Four Year" to read "as well as in the Four Year".
3669	"	19	Insert "only" after "He could".
3670	"	20	Change period to comma after "expert" and complete the sentence by adding "and therefore not the proper man."
3671	"	25	Insert "and undermining of the fighting spirit" after "sabotage"
3672	5312	23	Change entire line to read "certain big firms, he had a further interest, especially in I. G. Farben."
3673	5314	2	"whether it fit" should be "whether it fits".
3674	5316	10	Insert "later" after "the witness".
3675	5319	12-27	Delete entirely; repeated more correctly on Page 5320.
3676	5320	23	"there is" should be "there was".
3677	5323	1	First two words "decides questions" should be "decided the questions".
3678	"	21	Change "thought it was a final argument for the Prosecution." to read "thought that the final argument was for the Prosecution."
3679	5325	23	Change "I think it is an element" to "this is a theme, I think."
3680	5327	1	Place comma after "Czechoslovakia".
3681	5328	14	"to industry or to people" should be "by industry or by people".
3682	5331	12	"to what he though," should be "to what he thought,".

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Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3683	5331	25	"to clam them down" should be "to calm them down".
3684	5332	8	"reached at the time," should be "reacted at the time."
3685	"	27	"what the paper said," should be "what the papers said."
3686	"	29	"as aggressive" should be "as an aggressive".
3687	5336	30	Insert "In a conference between" before "Mussolini and Hitler,".
3688	5337	1	Delete "was to" before "supply the Italian".
3689	5338	11	Delete last two words "that was,".
3690	"	12	Change "if a plant had refused" to "in case a plant refused".
3691	"	21	Insert "to" after "was committed".
3692	5339	22	"that was" should be "that it was".
3693	5346	26	"I mean another question is whether" should be "I mean it is another question whether".
3694	5352	14-15	Change comma to period after "alone" and delete "he said."
3695	"	27	Third word "approved" should be "succeeded".
3696	5353	31	Delete dash after "trial" and place dash at end of line after "told me—".
3697	"	32	Change "I am of the opinion that" to read "I am of the same opinion— that".
3698	5354	32	Delete question mark after "construction works" and complete sentence with "of the Schnell Plan?"
3699	5356	12 and 16	Place comma after "That is," in both lines.
3700	5356	22 - 23	Delete "knew this. But not only by virtue of their positions did they have". The following words in line 23, "this sense of responsibility," should be "had this sense of responsibility,".
3701	5361	26	Change last words of line "for which they had" to read "which were of".
3702	5363	22 and 23	Change lines 22 and 23 to read "it, is in order to judge the statement of the Prosecution that Hitler's war purpose had been common knowledge of the German people to know what impression the German".

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Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3703	5356	15	Delete "of the aggressive intention". Change "German government" to "German people".
3704	5358	23	"into the Army Ordnance Office of Farben," should be "of the Army Ordnance Office with Farben,".
3705	"	29	Delete question mark after "difficulties" and complete the sentence with "from the point of view of your office?"
3706	5372	17	Insert "again," after "examined".
3707	"	19	Change "and that knowledge was not in the presence of the" to read "but this escaped the notice of the".
3708	5373	2	"Production Plant" should be "Production Plan".
3709	5375	4	Insert "in the event of war," after "Navy".
3710	"	5	"had been calculated," should be "were calculated,"
3711	"	6	"in the OKH" should be "of the OKH".
3712	"	8	"through the OKW" should be "via the OKW".
3713	"	12	Delete quotation marks after "influence."
3714	"	13	Place quotation marks at end of paragraph after "known."
3715	5380	21	Change last word "that" to "what".
3716	"	22	Delete first word "you".
3717	"	27	"was drawn into" should be "was brought into".
3718	5381	4	"He said" should be "He used". Change period to comma at end of line 4 after "translatable," and complete the sentence by adding the following: "bartered away, meaning a sale under incorrect conditions."
3719	"	9	"Oil contacts" should be "Oil contracts".
3720	"	11-13	Delete as repetition entire sentence beginning with last two words of line 11 "I said" and ending with "German industry." in line 13.

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Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3721	5381	15	Place comma after "tribunal" and delete next four words "to that great merchant".
3722	"	16	Insert "that great merchant" before "Tugger".
3723	"	17	Place comma after first word "(noble)men," and delete next word "that".
3724	"	18	Change first word "attitude" to "expression".
3725	5389	8-9	Change entire sentence to read "You must ask me, Dr. Seidl, in comparison to what it was an advantage or disadvantage."
3726	"	10	Change last word "which" to "where".
3727	"	11	Delete last word "there".
3728	"	21	"Correction No. 9:" should be "Correction. It is No. 9:"
3729	"	23	Delete "disapproving" before last word "attitude".
3730	5390	3	Insert "be an argument" after "There would".
3731	5391	30	Insert "in the" before last word "first".
3732	5392	5	Insert "now" after "I remember that".
3733	5395	15	Delete comma and insert "near a river," after first word "possible".
3734	"	31	Last two words "charge of" should be "change of".
3735	5399	11	"Deutsche Anilin-" should be "Badische Anilin-".
3736	"	11-12	Delete "(German Aniline and Soda Factory)"
3737	5401	1	"a modest extent." should be "to a modest extent."
3738	"	16	Insert "of NW 7" after "measures".
3739	"	19	"then get" should be "then to get".
3740	5406	28	"as to the statement" should be "as to whether the statement".
3741	5407	23	Change period to comma after "cases," and continue sentence with "this way out".

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Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3742	5414	8	Second word "because" should be "so that".
3743	"	13-14	Change from "but otherwise" in line 13 through line 14 to read "but for other reasons, I refrained from discussing other subjects."
3744	"	22	Insert "and soap production." after "food purposes".
3745	5416	13/14	Change "that is what I said," to "I meant".
3746	5417	14	Place comma after "technical field,".
3747	5420	14	Delete "there is" after "affidavit" and insert "is" after "Paragraph 4".
3748	5421	19	"this is Number 5." should be "under Number 5."
3749	5422	5	Insert "with the task to feed and clothe these workers" after second word "plants".
3750	5425	17	Insert "caustic soda," after "chlorine,".
3751	"	24	Change "was put in charge of Bitterfeld" to read "became a member of the Vorstand of Bitterfeld".
3752	5426	5	Change "who did the work at that time." to read "who took over the work which was to be done at that time."
3753	5427	2	"information production?" should be "production information?"
3754	"	3	Insert "the so-called Sales Combines," after "primarily". Change "Service Combines" to "Sales Combines"
3755	"	7	Change last word "Service" to "Sales".
3756	"	10/11	Change "to what extent was there" to read "in so far as there was".
3757	"	31	Delete "he was actually the manager of the plant;".
3758	5428	3/4	Change "became manager in the sense of the Labor Law" to read "took over the position?"
3759	"	5	Add sentence "He then only became the first manager of the plant." after "That is true, yes."

Item No.	Transcript Line(s) page	PROPOSED CORRECTION
3760	5428 15	"(Ex)hibit 38" should be "(Ex)hibit 338".
3761	5430 6	Insert "of the German," after "page 51"
3762	" 16	Change paper "Voelkischer Beobachter", and to read papers, such as the "Voelkischer Beobachter" and others, and
3763	" 22	Delete "had had an order to" and change "reach" to "reached".
3764	" 25	"Was this this case;" should be "Was this the case?".
3765	5431 24	Insert "protective" before "tariff".
3766	" 27	Insert "protective" before "tariffs."
3767	5432 8	"no occasion" should be "no reason".
3768	" 11	"to create" should be "to consult".
3769	5434 30	First word "this" should be "it".
3770	5443 26	Add "of" at end of line after "time".
3771	" 28	Change "for Germany" to "for Goering".
3772	5445 10	Last word "that" should be "it".
3773	5446 10	"was started," should be "was rashly started,".
3774	" 21	Delete "not" before last word "be".
3775	" 31	"that an attack might be" should read "in case an attack was".
3776	5447 22	Insert "when attacked" after "in the East".
3777	5448 7	First word "Nos," should be "Now,".
3778	5449 25	Insert "of which" after "capacity".
3779	" 31	Insert "as" before "you have just said," placing comma after "said".
3780	5452 7	"indicate it" should be "indicate then".
3781	" 19	"You mentioned" should be "you received".
3782	5453 9	"of the Reich Office" should be "in the Reich Office".
3783	" 28	Place comma at end of line after "population,".

Item No.	Transcript Line(s) page	PROPOSED CORRECTION
3784	5453 29	"that I was interested in." should be "in which I was interested."
3785	5457 20	"member in the Continental" should be "member of the Vorstand of the Continental".
3786	5459 9	Change "questions of being out of the Buna position," to read "questions of the Buna production,".
3787	" 16	Change "there were negotiations" to read "Ambros had special negotiations".
3788	5460 27	Change "and that is the reason for because" to read "and one reason is because".
3789	5462 16	Change "question of in case" to read "question if in such a case".
3790	" 17	Change semi-colon to comma after "cross-examination".
3791	" 22	Change "the question of when a party," to read "the question whether it is permitted that a party,".
3792	" 23	Change "should be allowed to ask leading" to read "be asked leading".
3793	" 32	Delete "when" before "a few leading questions".
3794	5463 12	"a time objection" should be "a timely objection".
3795	5464 16	Delete "not from me," and complete the sentence with "and that the decisive order for such measures could only be given by governmental authorities and not by myself."
3795	" 30	Change "with respect to just what you stated" to read "as you stated".
3796	5467 16	Last word in line should be "certainly".
3797	" 20	Change "of the command" to read "of the order".
3798	" 27	"it has been realized," should be "it was realized."
3799	5468 6	"your exam." should be "your examination."
3800	5474 8	Change "of Zyklon persons dealt" to read "of Zyklon we dealt".
3801	" 15	"for a firm;" should be "for our firm;".

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Item No.	Transcript Line(s) page	PROPOSED CORRECTION
3802	5475 9	First word "to" should be "on".
3803	5477 12-13	Change from "that nine thousand" in line 12 through line 13 to read "that of 9,151.6 kilograms delivered in 1942 to all concentration camps, 7,478.6 kilograms went to Auschwitz alone."
3804	" 17	"of the German" should be "to the German".
3805	5478 8-9	"twenty nine thousand odd kilograms" should be "29,775.1 kilograms".
3806	" 21	"11,458.4 kilograms." should be "119,458.4 kilograms."
3807	5479 21	"as the year 1942" should be "of the year 1942".
3808	5480 20-21	Delete as repetition "do you still maintain that after 1942 the Testa was completely independent of Degesch? Witness,".
3809	5484 25	"that was the original" should be "that is, the original".
3810	" 31	"for the English Text?" should be "or the English Text?"
3811	5485 28	Place colon after "38" and quotation marks before "It is in May".
3812	" 30	Place quotation marks after "from us."
3813	5491 7	"Dessay" should be "Dessau".
3814	" 25	"Testa within or without Germany?" should be "Testa both within and without Germany?"
3815	5492 7-8	Delete period at end of line 7 after "recess" and continue sentence with "if this" in line 8.
3816	5497 25	"became of the exhibit;" should be "because of lack of the exhibit;".
3817	5500 34	"many tins" should be "many times".
3818	" 25	Delete "I saw".
3819	5501 2-3	Change lines 2 and 3 to read "A. The men, in so far as they worked close to the openings, all wore gas masks."
3820	" 9	"ordinated from" should be "originated from".
3821	" 23	Last two words "frequently of" should be "frequency of".

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Item No.	Transcript Line(s) page	PROPOSED CORRECTION
3822	5502 26	"by the SS." should be "of the SS."
3823	5505 6	"bassing operations" should be "gassing operations".
3824	" 27	"was gassing operations." should be "were the gassing operations."
3825	" 29	Delete "to" before "when he saw."
3826	5508 6	"be selecting" should be "by selecting".
3827	" 10	"who was" should be "who were".
3828	5509 21	Last two words "to then," should be "for themselves,".
3829	" 22	Change "and you answered —" to read "since in the same moment—".
3830	" 22-23	Insert following sentence after line 22 and before line 23: Q. I asked whether you believe that anyone carried these rumors to the high functionaries of the Party?
3831	" 23-24	Delete last two words "of those" in line 23, and first word "people," in line 24.
3832	" 25	"close entourage of" should be "close to the entourage of".
3833	5512 1	First word "defy," should be "define,".
3834	5515 7	Change and punctuate entire line 7 as follows: "to advise him. The development of these plants, making".
3835	5524 10	"in the-direct" should be "in the re-direct".
3836	5526 20	Last two words "a document" should be "the documents".
3837	" 21	Change "is relevant, at the opening" to read "are relevant we will offer them at the opening".
3838	" 22	Change comma to period after "pending". Begin new sentence with "We'll".
3839	" 23	Change "of the Defense case, for" to read "of the Defense case in this way, for".
3840	5527 30	Last two words "and adminis(trative)" should be "the adminis(trative)".
3841	5529 6	"did you now," should be "did you not,".
3842	5530 2	Change "That" to "But" before "I must conclude". Delete comma after "letter" and place comma after last word "now,".

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Item No.	Transcript Line(s) page	PROPOSED CORRECTION
3843	5534 4	Last two words "industrial measure" should be "internal measure".
3844	5536 8	Change period to comma after first word "occurred," and continue sentence with "if I".
3845	5538 26	Insert "at" before "that meeting". Place comma after last word in line "present,".
3846	5545 1	Insert "workers" after "700,000 planned".
3847	5546 14	"to set up until" should be "to sit until".
3848	5550 10	"Plant" should be "Plants".
3849	5553 18	Delete all of line 18 after first word "people,".
3850	" 26-27	Change "in the case of the Heydebreck document where reference is made to prisoners" to read "Through the Heydebreck document because there the reference is to prisoners".
3851	" 2 8	Delete "for that purpose" after first word "established".
3852	5556 5	Insert "to" before last word "one".
3853	5557 7	Place comma after "My colleagues," and delete following word "are,".
3854	5561 28	Insert "and from the Central Planning." after "Armament Ministry".
3855	" 29	"food Labor." should be "for Labor."
3856	5562 3	"to receive priority." should be "to be deferred."
3857	5564 14	Last two words "an initiative." should be "my initiative."
3858	5565 3	"ask you to this point," should be "ask you on this point,".
3859	5567 2	"to numbers" should be "the numbers".
3860	" 10	Insert "of Austria" after first word "anschluss".
3861	5568 10	Change comma to period after "Dr. Boettcher" and delete "because my question seems to be justified",
3862	" 16	Insert "effect" after first word "what".
3863	5570 10	Change "Did Mr. Aubert" to read "Did a member of I.G."
3864	" 12	First word "H ordag's" should be "Farben's".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3865	5571	8	Delete "by" before last word "that."
3866	"	9	Change last three words "a single case." to "an exception?"
3867	5572	4	"the power of rights" should be "the Prosecution's rights".
3868	"	7	Last word in line "fresh," should be "agreeable,"
3869	"	8	"have our usual" should be "have your usual".
3870	"	9	Second word "prosecution" should be "defense". Change comma to period after "before" and delete following words "well, we will".
3871	"	12	"the general if objections" should be "the general rules that objections".
3872	"	13	Delete "later" after "shown".
3873	"	14	Insert "later," after "should be made".
3874	"	15	"any precedence, now as far as" should read "any precedents as far as".
3875	"	16	Delete first three words "should be made,".
3876	5574	2	"of it." should be "of itself."
3877	"	13	Last date in line "1931" should be "1913".
3878	5577	5-6	"shows the opinion" should be "justifies his assertion".
3879	"	8	"to prove now Krauch was politically spied upon." should read "to prove how Krauch was politically spied upon."
3880	"	26	First word "insignificance" should be "significance".
3881	"	27/28	Change "and give it its proper character." to read "in the way explained by Krauch."
3882	5578	2	Delete third word "it".
3883	"	5	Delete "they had nothing to do, and that".
3884	5580	9	"Document No. 00" should be "Document No. 100".
3885	5581	10	"these were the documents" should be "these are the documents".
3886	"	29	Insert "the" before "severe measures".

Item No.	Transcript Line(s) page	PROPOSED CORRECTION
3887	5581 31	"by giving" should be "and gives".
3888	5582 4	Add "of Dr. Krauch" after last word in line "collaboration".
3889	5584 7	"as was permissible" should be "than was permissible".
3890	" 12	Change "Varietes in their own plants" to read "Variete actors from the countries of the foreign workers in their own plants".
3891	" 15	Insert "expeditious" before third word "expansion".
3892	" 16	"one would have achieved" should be "one had achieved".
3893	" 24	"have to be created" should be "had to be created".
3894	5585 pagination	Change pagination of page beginning "He said" and ending "in a position" from 5584 to 5585.
3895	" 6	Third word "Wesseling" should be "Brussels".
3896	" 12	Insert "of meat" after "The weekly ration".
3897	" 17	Insert "Krauch" after "attitude of Dr."
3898	5586 3	"B.B.A." should be "G.B.A."
3899	" 5	Change "his associations could not obtain" to read "his delegates could not give".
3900	5587 4	Change "on leave as" to read "on leave more frequently than".
3901	5588 11	"montage firms" should be "mounting firms".
3902	5589 21	"Document Krauch #5-2." should be "Document Krauch # 502."
3903	" 28	"individual status" should be "individual commitment".
3904	5590 10	First word "wind" should be "wine".
3905	" 15/16	Change "directed to the foreign workers," to read "of the Gebechen concerning foreign firm allocation,".
3906	" 28	Insert "disapprovingly" after "the Gebechen states".
3907	5591 6	"Office for Foreign Workers." should be "Office of the U.K. Wesseling."

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3908	5591	27	"5ly" should be "516".
3909	5593	7	"523, 524, and 526," should be "523, 524, 525, and 526,".
3910	5594	22	"Whitsundtide" should be "Whitsunday".
3911	5596	9	"Document 55" should be "Document 555".
3912	5597	11-12	"is expressed" should be "as expressed".
3913	"	16	"defence counsel" should be "defendants".
3914	5598	3	Delete "is" after "argument".
3915	"	6	"the difference" should be "a difference".
3916	"	24	"of the Gebechem Comp," should be "of the Gebechem,".
3917	"	28	Change comma to period after "Book VI". Begin new sentence with "As Krauch". Change period to comma after "No. 112,".
3918	5599	9	Delete "Camp" after "Gebechem".
3919	"	17	Insert "with the Garden Construction Association and above all" after third word "on".
3920	5601	18-19	Change from "both of them" in line 18 through line 19 to read "both of them, Both of the other two witnesses whom I wished to call, namely Schacht and the photographer Hoffmann, cannot come; so I shall dispense with Hoffmann, and".
3921	"	20	Delete "submit" before "substitute".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3922	5604	10	"technical and clinical problems" should be "technical-chemical problems".
3923	5605	12	Third word "us" should be "use".
3924	"	20	Delete "as" before "Krauch Document".
3925	5607	3	Change period to comma after "July 1943".
3926	"	8	Last word in paragraph "point" should be "plant".
3927	"	19	Insert "in his direct examination," after "Dr. Krauch".
3928	5608	1	Last word "Wuerttemberg" should be "Schoenberg".
3929	5610	5	"follwing subjects" should be "following subject".
3930	"	30	Delete "the" before "questions".
3931	5611	10	Change comma to period after "testimony". Begin new sentence with "It would be". Delete "and" after "helpful," and place comma after "I think".
3932	5612	10	"Do you believe to have" should be "Do you believe that you have".
3933	5616	17	"in connection" should be "in this connection". Delete "not" before last word "anticipate".
3934	"	21	"for which a witness" should be "and a witness".
3935	5617	10	"1922 to 1939" should be "1922 to 1929".
3936	"	20	Delete last four words "member of the Aufsichtsrat".
3937	"	21	Insert "in that capacity" after first word "and". Delete "in that capacity" after "Board".
3938	"	22	"Agra" should be "Agfa".
3939	5618	2/3/4	Change lines 2 and 3 to read "the German Zentrum Party without formerly belonging to the Zentrum Party but asked by the party leaders, because of my cooperation as an economic expert and as member of the Praesidium of German Industry in".
3940	"	11	Change line 11 to read "Bank for Industrial Obligations when the first intensive cooperation with foreign".
3941	"	25	"andideology," should be "and its ideology".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3942	5619	12-13	Change "committees — Kalle Committee," to read "committees, especially the Kalle Committee."
3943	"	13	Change "with political and economic-political questions;" to read "with important political and economic questions;"
3944	"	29	"The speech in" should be "The well known Silberberg speech in".
3945	5621	2	Insert "of German Industry" after "Reich Association".
3946	5623	15	"If we keep this" should be "if we are to keep this".
3947	5629	5	"the Nazi tie" should be "the Nazi time".
3948	"	11/12	After line 11 and before line 12, insert "Q. And who was it?"
3949	"	22	"denomination" should be "denominations".
3950	5630	17	"Kurt Steche" should be "Kurt Stecher".
3951	"	23/24	"The witness has some question of relevancy with which he can answer," should be "If the witness has something of relevancy to answer."
3952	"	28	"the question wit in" should be "the question within".
3953	"	31	"do not harm" should be "do no harm".
3954	5631	30	Insert "that" before last word "supported".
3955	5634	8	Place comma and insert "Prelate Kaas" after "the Zentrum,".
3956	5635		Pagination-Page numbered 5645 beginning "BY MR. DIX:" and ending "and a lot of things like that." should be renumbered 5635 and inserted between pages 5634 and 5636.
3957	5636	6	"present with" should be "presented with".
3958	"	7	"they have don?" should be "they have done?"
3959	5639	6	Delete "which are before your Honors,".
3960	5641	8	Insert "existed" before last word "up".
3961	"	11	"the status quo: Of" should be "the status quo of".
3962	5642	4	"his tanks" should be "his thanks".
3963	5643	1	"German women" should be "The women".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
3954	5643	4	Insert "saw" before "Hitler's picture".
3955	5644	3	Change "you cannot say that. If," to read "you cannot say that visible successes had been reached. But if,".
3956	"	4	"you say that" should be "you saw that".
3957	"	7	Insert "so that" after "German cooperation,".
3958	5645		See under page 5635
3959	5645	23	Delete "to do" before last word "resist".
3970	"	30	Change "trend toward war," to "war economy."
3971	"	31	"technical pretext" should be "technical pretexts".
3972	5646	7	Change comma to period after first word "industry". Begin new sentence with "After speaking". Change period to comma after "plants".
3973	"	8	Place commas after "coordinated" and after "gleichgeschaltet".
3974	5646	9	"of whom the National" should be "who the National".
3975	"	10	Delete "that they" after first word "assumed".
3976	"	17	Change "in addition to these official meetings" to "the representatives of the authorities".
3977	5646	27	"The Grossraum Policy," should be "In this same book, the Grossraum Policy,".
3978	5648	26	"the question of the legality" should be "the question as to the legality".
3979	5649	2	"increased" should be "decreased".
3980	"	3	"Party and Stage" should be "Party and State".
3981	"	12	"latter stages." should be "later stages."
3982	"	18	"time had elapsed" should be "time will have elapsed".
3983	5651	1	Delete "A." at beginning of line (continuation of answer begun on preceding page).
3984	"	7	Change "as represented by Legion and others" to read "with respect to legality, which you mentioned at the beginning of your testimony."
3985	5652	27	Delete "has" before "endeavored".

Item No	Transcript page	Line(s)	PROPOSED CORRECTION
3986	5653	13/14	Change "I have not learned whether during the last time, from" to read "For the later time, I learned nothing from".
3987	"	15	First word "party" should be "part".
3988	"	29	"there were" should be "these were".
3989	5654	10	"many people have made" should be "many people made".
3990	5655	25	Last word "Koelhische" should be "Koel-nische".
3991	5658	11	"or whether" should be "of whether".
3992	5659	17	Delete comma after "allocation".
3993	5660	6	Last word "notice" should be "knowledge".
3994	"	24	"on your own body" should be "in your own life".
3995	5661	10	Delete "and one did not want to believe".
3996	5662	25	"Ankete" should be "Enquete".
3997	5664	3	Change "as it was in the case of" to "such as the".
3998	"	23	Add "mentioned before" at end of line after "Gremiums".
3999	"	24	Insert "to independence on a smaller scale" after "the components".
4000	"	29	"A ——" should be "A. (Witness nods.)"
4001	5666	22	"organic laws" should be "organic law".
4002	"	23	"our company." should be "our companies."
4003	5668	2	Delete second word "have".
4004	"	5	"to keep" should be "you keep".
4005	5669	3	Change "Mr. Prosecutor" to "Counsel".
4006	"	6/7	Delete "the changes which came about in".
4007	"	8	Delete "had" before "experienced".
4008	"	21	Place "law" at beginning of line before comma.
4009	5670	15	Change period to comma after "transactions", and continue sentence with "either".
4010	5672	5	Delete "in" before "how far".
4011	5676	19	Change "Only now have I learned" to read "I learned for the first time".

Item No	Transcript page	Line(s)	PROPOSED CORRECTION
4012	5681	20 and 23	"protest" should be "protests".
4013	5684	16	"to reconstrue" should be "to reconstruct".
4014	5687	6	Change period to comma after "on trial", and continue sentence with "then".
4015	5688	16	Last two words "in the" should be "of the".
4016	5692	13	"surprisingly fact." should be "surprisingly fast."
4017	5693	29	Insert "For an expert witness" before "the rules regarding".
4018	"	31	Insert "for" before last three words "any other witness."
4019	5694	15	Insert "for" before "tomorrow".
4020	"	30	Insert "and" before last word "from".
4021	5696	21	"He assume" should be "He assumes".
4022	5697	32	"no mater now" should be "no matter how".
4023	5698	4	"is in the application of the 17th of" should read "is that in the motion of the 17th of".
4024	"	5	"about the consideration" should be "without the consideration".
4025	5699	9	"there affidavits" should be "their affidavits".
4026	5700	2	"may be produced" should be "can be produced".
4027	"	31	"part 01 Count 2" should be "parts of Count 2".
4028	5701	9	Delete period after "that in" and continue sentence with "the".
4029	"	14	Change second word "is" to "may feel".
4030	"	16	"within the right" should be "within its rights".
4031	5703	6	Last word in line should be "concerned;"
4032	5704	18	Last word in line "underneath" should be "under".
4033	5705	3	Insert "or" before last word in line "Count".
4034	5710	21	Last word in line "or" should be "of the".
4035	5711	1	"and which" should be "where we".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
4036	5713	26	Add "as to" at end of line after "But".
4037	5714	24	Delete as repetition "and determine whether the Reich Association of Industry".
4038	5716	9	Last word in line "why" should be "war." (followed by period to end the sentence.)
4039	"	10	First word "it" should be "That".
4040	"	17	Insert "into" after "you are getting".
4041	5719	6	Place comma and insert "the defendants," after "these men".
4042	"	21	Add "favor of" after last word in line "in".
4043	"	22/23	Change "I know that in 1933 the Labor Front was created and that it was" to read "I know that the creation of the Labor Front in 1933, directed only by one party, was".
4044	"	23	Delete last word in line "was".
4045	5720	23	"could you" should be "could he".
4046	5721	29	"means of you" should be "mean of you".
4047	"	30	Place quotation marks after "doing this,".
4048	5723	9	Second word "that" should be "what".
4049	5725	4/5	Change from "were the Nazis" in line 4 through line 5 to read "were the people who contributed only Nazis or other people who believed in the Nazi ideology?".
4050	5726	8	"amongst them" should be "amongst these".
4051	5727	4	Third word "that" should be "because".
4052	"	16	Insert "This main committee alternated," as complete sentence before "In Berlin".
4053	"	17	Insert "of British Industry" after "Federation".
4054	5728	19	Delete "A." at beginning of line.
4055	5730	8	"now it was" should be "how it was".
4056	"	18	"there was no agreement," should be "there is no agreement,".
4057	5733	17	"that branch which they have to direct," should be "those branches which they had to direct."
4058	5736	22	"someone reported" should be "someone denounced".
4059	5737	2	"Thorgau" should be "Torgau".
4060	5738	12	"I cannot testify." should be "I can testify."

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
4061	5740	22	Change "certain company in the Bavarian Bank" to read "certain company, a Bavarian Bank,".
4062	"	25	"and I was" should be "when I was".
4063	5742	2	"the date of Potsdam," should be "the day of Potsdam,".
4064	"	29	"of positions on Aufsichtsrat," should be "of Aufsichtsrat positions,".
4065	5743	4	Delete as repetition "between certain questions".
4066	5743	7	"open aculation" should be "open adulation".
4067	"	9	"do you now?" should be "do you not?".
4068	5744	11	"It was" should be "He was".
4069	"	12	Change "and contracts were" to "an organization contract with".
4070	"	13	"It refused" should be "He refused".
4071	5744	17	"they said 'we have" should be "he said 'I have".
4072	"	21	Insert "I" before second word "went".
4073	5746	14	Delete "even" before "which was brought".
4074	"	20	End question with "after 1933". Begin new paragraph with witness' answer as follows: "A. The Verwaltungsrat of I.G. was fully active after 1933; as far as the Jewish members are", etc.
4075	5747	27	Place comma and insert "that" after "1933".
4076	"	31	Change last two words "ideologies of" to "Party or to the SS did not mean an approval of the directives or the methods of".
4077	5748	28	Change "carries out the efforts" to "does his work".
4078	"	29	"the efforts." should be "their work."
4079	5749	19	Change semi-colon to period after last word "Aufsichtsrat".
4080	5750	10	After line 10 as line 11 should be the following answer of the witness: "A. It was, according to my recollection, the end of March 1933."
4081	5751	4	Change "welcomes all" to read "the establishment of all".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
4082	5751	11	"Mr. Dix," should be "Witness,".
4083	"	27	Last two words "had informally" should be "made informally".
4084	5753	17	Insert "so" before last two words "that they".
4085	5755	7	Delete "they" before last word in line "have".
4086	"	9	Last two words "that calendar" should be "the calendar".
4087	5753	21	Delete quotation marks before and after "Zefi-Vertrauensmaenner".
4088	"	23	Change punctuation around "I.G. Verbindungsmaenner" from "I.G. Verbindungsmaenner", to "I.G. Verbindungsmaenner".
4089	5764	12	Delete "a" before "large frozen".
4090	"	23	"I just mentioned." should be "whom you just mentioned."
4091	5768	13/14	Insert "no" before "misunderstanding".
4092	5774	21	"the belonged to" should be "they belonged to".
4093	5775	25	Place comma after first word "him". Also place comma after "Chile".
4094	"	27	Second word "from" should be "form".
4095	5777	26	"Exhibit No. Schnitzler No. 3." should be "Exhibit Schnitzler No. 3."
4096	5778	20	Delete "a" before "school organizations,".
4097	5780	8	Change last word in line "By" to "Because of his".
4098	5781	6	Delete as repetition "had been somewhat of these differences, Mr. Roeder's position".
4099	"	16	"That was" should be "This was really".
4100	"	18/19	Change "that people were doing double work," to read "that a two-fold function was performed,".
4101	"	20	First word "tried" should be "attempted".
4102	5782	3	"Fischer" should be "Birk".
4103	"	9	"probable ones" should be "doubtful ones".
4104	"	10	Last two words "also two." should be "also by two."

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
4105	5782	25-26	Delete period at end of line 25 after "countries" and continue sentence in next line changing "They were again and again two subjects" to "there were always two subjects".
4106	"	31	Insert "the viewpoint" after "we held".
4107	"	32	Delete "should —" after "during the war".
4108	5783	1	"any further work" should be "anything else".
4109	"	6	Insert "in the last years" after "organization".
4110	"	7-8	Change "of having the workers represented. In regard" to read "of our agencies" representation in regard".
4111	"	14-15	Change "to the auslands organization by mediation of the Farben agency and missions that" to read "to the foreign representatives by mediation of the directors of Farben, missions that".
4112	"	19	Third word "by" should be "from".
4113	"	28	Delete first word "directly,".
4114	"	30	Delete "when we" before last two words "had objections".
4115	"	32	Insert "who" after "military service".
4116	5784	1	Delete as repetition "were suddenly not called up". Also delete "when they" before last word "were".
4117	5785	5	"This was a man," should be "This is of a man,".
4118	"	7-8	Change first words "regularly, that is, he left" to read "regularly with his class and left".
4119	"	9	"that he requested" should be "and requested".
4120	"	17	Delete as repetition "that the military attaché".
4121	"	23	"make proper request." should be "make the proper request."
4122	"	24	"directof" should be "director".
4123	"	29	"case, and as" should be "case of how".
4124	"	30	Insert "and indirectly that" after "subsequently,".
4125	5786	4	Delete comma after "this man".
4126	"	26	Insert "was" after "among whom".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
4127	5787	1	Place comma and insert "only a local representative," after "Malaga".
4128	"	2	"a foreigner" should be "a stranger".
4129	"	25	Delete comma after first word "dyes".
4130	"	29	Place comma after second word "majority".
4131	5788	9	Change "Farben in Berlin." to "the I.G. Department in Berlin."
4132	"	11	Change "Vermittlungstelle," to "mediating agency,".
4133	5789	3	Delete "and on the appended list," at beginning of line. Change next word "in" to "to".
4134	"	4	Insert "and from the appended list you can see that" after "November 1942,".
4135	"	7	Delete second word "and".
4136	"	14	Delete "that" before "we wanted".
4137	5790	28	Insert "of" before last two words "the last".
4138	5791	10	"of policy" should be "of internal politics".
4139	5793	12	"The Chair though" should be "The Chair thought".
4140	"	25	Insert "especially" after "the lecture".
4141	5794	12	"I have referred to that here." should be "I referred to that in my lecture.".
4142	"	13	Change "at that time" to "in that atmosphere".
4143	"	17	"for a German contest in which Swedish" should be "for a general contest in which German, Swedish".
4144	5795	1	Delete "The," and start sentence with "Will you".
4145	5796	17	Place quotation marks before "He is not".
4146	"	18	Change "the authorities," to "my department,".
4147	"	19	Place quotation marks after "commercial employee." Insert "counter-intelligence service of the" before last word "OKW".
4148	5799	3	"Salg" should be "Selck".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
4149	5800	13	Change period to comma and insert "marked as HI-8654," after third word "documents."
4150	"	15	"It is" should be "The first is".
4151	"	17-18	After line 17 and before line 18 insert the sentence "It concerns the case Flinsch, a name which you already mentioned this morning."
4152	5801	19	First word "not" should be "no".
4153	5802	27	Change "of Francolor which" to read "of the special role of Francolor, which".
4154	5805	12	"1936" should be "1938".
4155	"	25	"which inducted" should be "which induced".
4156	5806	6	Place comma after "remember where".
4157	5808	11	Last word "German" should be "Germany".
4158	"	22	Insert "liaison" before last word "man?".
4159	5809	13	"AO liaison" should be "I.G. liaison".
4160	"	20	Last two words "into the" should be "from the".
4161	5810	28	"important country," should be "important countries;"]
4162	"	32	"Exhibit 819" should be "Exhibit 894".
4163	5812	3	"A (No response)." should be "A. No.".
4164	5814	3	"what was that?" at end of line should be "when was that?".
4165	5815	1	Before line 1, insert: THE MARSHALL: The Tribunal is again in session.
4166	5816	32	Last three words "know this document." should be "knew this document."
4167	5817	8	Change period to comma after "theory", and continue sentence with "for example".
4168	5818	32	Insert "of the German and 2449 of the English," after "on page 2245".
4169	5819	5	Last word in line "know" should be "knew".
4170	"	29	"it can speak for itself." should be "he can speak for himself."
4171	5821	17	Last word in line "as" should be "is".
4172	"	25	Place quotation marks before and after "activities".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
4173	5822	3	Change "by the military which" to read "by the military, Losantin which".
4174	"	8	Third word "knew," should be "know,".
4175	5823	28	Delete "and" after "conferences".
4176	5826	4	Insert "countries," after "overrunning".
4177	"	10	Delete "be" before "legitimately".
4178	5828	7	"the sort of many" should be "the heart of many".
4179	"	9	"that motion" should be "that the motion".
4180	"	10	Delete "what" before "appears".
4181	"	12	"hindsight" should be "hindsight".
4182	5829	28	"it has already" should be "it had already".
4183	5831	3	Last word "probative" should be "prohibitive".
4184	"	5	"actual" should be "actually".
4185	"	12	Delete second word "which".
4186	"	18	Change "facts which in the past everyone" to read "facts that had happened which every one".
4187	"	19	"that that might" should be "anything which might".
4188	"	22	"the most difficulty seems" should be "the most difficult seem".
4189	"	24	Change period to comma and insert "that" after "Czechoslovakia". Next word is "simultaneously".
4190	"	25	"that is to a proof." should be "that that is a proof."
4191	5832	1	Last three words "know of this" should be "knew of this".
4192	"	5	First word "witness" should be "witnesses".
4193	"	9	"the information." should be "any information."
4194	"	20	"was the misstatements" should be "were misstatements".
4195	5833	4	Delete period after "Czechoslovakia" and continue sentence with "apart".
4196	"	9	Insert "offered" after "some extent".
4197	5835	13-14	Change the sentence to read "The gentlemen asked me to support this plan when discussing it with the chemical department of our ministry, which I promised."

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
4198	5835	19	Second word "was" should be "were".
4199	5838	13	"offering its by individual" should be "offering its evidence by individual".
4200	5840	2	"might subsequently" should be "might not subsequently".
4201	5846	27	Second word "re" should be "the".
4202	5847	27	Third word "thought" should be "think".
4203	5849	28	"I have put" should be "I have to put".
4204	5851	8	Insert "on a footing of equality" after "government agencies".
4205	"	15	Last two words "former cases." should be "earlier cases."
4206	5853	22	Insert "since" after second word "wrong". Place comma after "attitude".
4207	5854	4	"no reflection" should be "no reflection".
4208	5855	6	"as to who was" should be "as to whom peace was".
4209	5856	25	First word "when" should be "what".
4210	"	27-28	Change period to question mark after first word "material" in line 27. The rest of the line 27 and line 28 should be two paragraphs as follows: A. All European countries were discussed. Q. Were the Neutrals included also?
4211	5857	24	Third word "this" should be "these".
4212	5858	3	Insert "Exhibit 1051." after "that it is".
4213	5859	1	"Document 1,252," should be "Document NI-11252,".
4214	"	2	"1052" at beginning of line should be "1051". "Page 156" should be "page 157".
4215	5862	8	Delete "It reads;".
4216	"	27	"for one had made if" should be "for if one had made".
4217	5863	9	Place quotation marks after "war?" and delete those before "That's".
4218	5863	10	"needs South American exports" should be "needs to export to South-America".
4219	5867	3	Last word "apposed." should be "opposed."

Item No	Transcript page	Line(s)	PROPOSED CORRECTION
4220	5867	4	Last two words "one the" should be "on the".
4221	"	5	"The problem raised by were" should be "The problems raised by cartels were".
4222	5868	3	Insert "which" after "according to".
4223	"	9	Place comma and insert "NI-6965," after "Exhibit 1053".
4224	"	29-30	Change lines 29 and 30 to read "in economic fields in other cases besides the New Order, or did they ask such questions of Farben?"
4225	5869	21	"approached" should be "approach".
4226	"	23	Last two words "reply completely" should be "rely completely".
4227	"	28	Insert "the official agencies and then the" after first two words "we approached".
4228	5870	11	Change last two words "was not" to "was known to me".
4229	"	12	Delete first word "told".
4230	"	13	Change semi-colon to comma after "about this" and delete last word "that".
4231	5873	2	"page 39" at beginning of line should be "page 37".
4232	"	8	First words "the economic department," should be "the section Industrial Economy."
4233	"	12	"Handelsgesellschaft" should be "Handels-gesellschaften".
4234	5874	5	Place comma after "any action".
4235	5877	8	"in what sum" should be "in what form".
4236	"	9	"to take" should be "to authorize".
4237	5880	3	"was complete" should be "was completely".
4238	"	25	Place comma after "Ministry" and also at end of line after "binding".
4239	5882	7	Insert "majorities or" after second word "national".
4240	"	21	"State of Party" should be "State or Party".
4241	5884	7	Insert "overall" before "organization".
4242	5887	6	"The success of the transactions" should be "Concerning the ensuing transactions". Insert "of" before last word "Francolor".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
4243	5888	9	Place period after third word "report". Begin new sentence with following word "That".
4244	"	10	"was obviously discussed of course" should be "is obvious of course".
4245	"	16	"was not on the beauty" should be "was a defeat in the beauty".
4246	5889	4	Delete "the" before "questions".
4247	5891	27	"I had to add here to what" should be "I have to add here what".
4248	5893	13	Delete "that" after "impression".
4249	5895	14	Add "and as to that," at end of line after "purpose,".
4250	5896	9	Delete "Side" after "French".
4251	"	30	Change "I was merely" to read "In our discussion he was merely".
4252	"	31	Change "I" to "he" before "merely reported".
4253	5898	2	"proporation" should be "proportion".
4254	5900	26	Insert "with" after "Farben".
4255	"	31	"Sudeten gasoline;" should be "synthetic gasoline;".
4256	5901	11	"was outspoken" should be "was an outspoken".
4257	"	13	"kopp unprofitable" should be "to keep unprofitable".
4258	5902	18	Change period to comma after first word "industry".
4259	"	20	Place comma and insert "Ley," after second word "Farben". Delete "and" before "which had".
4260	"	30	"newspapers" should be "newspaper".
4261	5903	21	"to point out that, without whatever" should be "to point it out for whatever".
4262	5904	4	Insert "was working" after "Dr. Dix".
4263	"	5	Change "it was possible he was approaching some particular" to read "it is possible he had a particular".
4264	5905	28	Delete "the" before "Farben".
4265	5906	13	First three words "the Bosch's person" should be "the personality of Bosch".
4266	5910	14	Delete "which" before "now have".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
4267	5911	10	Insert "on in having to write a letter" after "had to go".
4268	"	11	Change "by writing a letter asking his pardon," to read "to ask his pardon,".
4269	"	13	"to disgusting" should be "too disgusting". Delete "it" before last three words "to you here".
4270	"	24-25	Change lines 24 and 25 to read "in which the Party and government paid no attention to the death and funeral of such an important man."
4271	5913	4	Change period to comma after "this article", and continue sentence with "on the".
4272	5915	6	"must a point" should be "must be a point".
4273	5916,	22	Insert "I believe that" before first word "the".
4274	5916	24	Change "or my associate did so, - the fact that" to read "or by my associate, - that".
4275	5917	8	Place period and delete "which," after "relevancy". Begin new sentence with "If you".
4276	5919	25	"I shall try" should be "I try".

Item No.	Transcript pages	Line(s)	PROPOSED CORRECTION
4277	5922	19	Last two words "was no" should be "were no".
4278	5924	24	"Document No. 23" should be "Document No. 22".
4279	"	25	First number "No. 23" should be "No. 22". Delete "rather (Exhibit) 22". Next word "have" should be "has".
4280	5925	2	"board of directors" should be "Vorstand".
4281	"	12	"after the assumption of power?" should be "during the seizure of power?".
4282	5927	4	Third word "makes" should be "mentions".
4283	"	11	"1943" should be "1933".
4284	5928	4	Delete first word "then".
4285	"	10	"Bessler" should be "Baessler".
4286	"	11	Second word "Board" should be "Committee". "Board of Directors" should be "Vorstand".
4287	"	17	"Bessler" should be "Baessler".
4288	5931	13	Third word "approval" should be "causal instigation".
4289	5933	11	Last two words "in the" should be "from the".
4290	"	21	First word "fervor." should be "terror."
4291	"	23	"cannot be admitted." should be "could not be admitted."
4292	5937	25	"the text of the document" should be "the index of the document".
4293	5938	7	"by des ing the laws" should be "by describing the laws".
4294	5939	12	Insert "to" before last two words "listing the".
4295	5941	13/14	Change lines 13 and 14 to read "besides the above general furtherance of science and human progress also many works of genuine humanitarianism."
4296	"	24	Add "have" after last word "these" at end of line.
4297	5943	5	"Peach Dele(gation)" should be "Peace Dele(gation)".
4298	5944	21	"the same gentlemen" should be "the same gentleman".
4299	"	26	Last word "before" should be "after".

Item No.	Transcript Line(s) page	PROPOSED CORRECTION
4300	5945 2	Insert "threefold," after "increased".
4301	5946 4	Change period to comma after first word "dressing", and continue sentence with "with".
4302	" 5	Change comma to period after "Exhibit 1069".
4303	" 17	"donation" should be "donations".
4304	5948 17	First three words "affidavits of certified" should be "certified affidavits of".
4305	5949 7	"donations must almost always have" should be "donations almost always".
4306	" 28	"the Tribunal fell" should be "the Tribunal feel".
4307	5951 4	Insert "Dynamit Nobel A.G.," after "DAG".
4308	5952 6	Add "as" after last word "documents".
4309	5953 30	Change period to comma after "Number 4".
4310	5954 9	Place quotation marks after "own responsibility".
4311	5956 12	Change line 12 to read "Chemie Revisions- und Treuhandgesellschaft m.b.H. did not", deleting all quotation marks.
4312	" 13-14	Delete quotation marks around "Verwert- chemie".
4313	5957 13	"Just like planning, construction" should be "Even as the planning, the construction".
4314	" 14	"was the conclusion" should be "followed the conclusion".
4315	" 18/19	Change from "did not allow" in line 18 through line 19 to read "did not allow a copy of such agreements for Farben".
4316	5958 7	Insert "by order of the Reich" after first word "DAG".
4317	" 27	"21.9 percent." should be "21.6 percent."
4318	5960 27, 28, 31	"production amounts" should be "production capacities".
4319	5961 8	Second word "to" should be "two".
4320	5963 3	"1.8 million" should be "1.08 million".
4321	" 4	"the end of the war" should be "the beginning of the war".
4322	" 25	"102,000 tons" should be "112,000 tons".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
4323	5964	5	Place quotation marks at end of paragraph.
4324	"	12	Change comma to period after "matters". Begin new sentence with "Unless".
4325	"	13	Change period to comma at end of line after "matters" and continue sentence with "we" in next line.
4326	5966	7	Place comma after "figures" and change next word "and" to "who"
4327	"	28	First word "centages" should be "percentages".
4328	5967	1,5,10,16	Place quotation marks at beginning of paragraph.
4329	"	22	"even more," should be "even more so,".
4330	"	23	"the conditions were" should be "were the conditions".
4331	5968	11	Delete quotation marks at end of paragraph after "firm,".
4332	5970	5	Last word in line "import" should be "export".
4333	"	10	Insert "(RWS)" after "Sprengatoff, A.G."
4334	"	13	Third word "importing" should be "exporting".
4335	5971	7	Delete quotation marks after second word "with."
4336	"	8	Last word "import" should be "export".
4337	"	15	Delete comma after "mentioned". Place comma after "before".
4338	"	23	"19, 29 and 21," should be "19, 20 and 21,".
4339	5972	1	"imported" should be "exported".
4340	"	21	Change comma to period after "war". Begin new sentence with "For this proof".
4341	"	22	DAG No. 93," should be "DAG No. 23,"
4342	5973	6	"private Company," should be "Rivet Company,".
4343	"	15	"Explosive Company," should be "Explosive Rivet Company,".
4344	"	20	"which aproves," should be "which proved,". Delete "as" before last three words "of the greatest".
4345	"	28	"the success of the nitration" should be "the successful working out of the nitration".
4346	5978	13	"were in the course" should be "were produced in the course".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
4347	5978	14	Place period after "World War" and delete "produced."
4348	5979	1	Change "What was" to "What shape took".
4349	5981	4	Delete "a" before "great additional".
4350	"	20	"were already set down." should be "were set down at the same time."
4351	5983	20-21	Change line 20 and first word of line 21 to read "period, I think a period of three years in order to investigate the turnover of the contract partners."
4352	5985	4	"who say to it" should be "who saw to it".
4353	"	5	Change entire line to read "done for the interests of everybody. In addition,".
4354	5986	21	Change period to comma after "activity" and continue sentence with "the".
4355	"	22	Insert "and" before last three words "that was the".
4356	5988	9	"which is" should be "which was".
4357	5991	19	Change period to comma after second word "argued", and continue sentence with "if you".
4358	5992	1	"DR. GIERLICH:" should be "DR. SIEMERS:"
4359	5993	27	Change comma to period after "elsewhere". Begin new sentence with "Since".
4360	5994	20	Change period to comma and insert "NI-051." after "Exhibit 421".
4361	"	22/23	Change "Prince Minister" to "Minister President".
4362	"	24	Place quotation marks after "Four Year Plan." at end of paragraph.
4363	5995	6	Insert "Exhibit 423 in" after "that is". Delete comma after "same book".
4364	"	16	Place quotation marks after "Four Year Plan." at end of paragraph.
4365	5996	2	"Stage secret" should be "State secret".
4366	5997	12	"the newspaper or general about this speech talk" should be "the newspapers or the general talk about this speech".
4367	"	27	Delete last word "German".
4368	"	28	"Orde Republique," should be "Ordre public".

Item No.	Transcript page	line(s)	PROPOSED CORRECTION
4369	5997	30	"ever abrogate the Cartel" should be "abrogate only the Cartel".
4370	5998	6	Delete "in which English dyestuffs,".
4371	"	26	"were decise," should be "were decisive."
4372	5999	15	Delete "I" before "contact again".
4373	6001	1	Place "A." at beginning of line before "The subsequent".
4374	"	13	Delete "the" before "Farben".
4375	"	31	Insert "of" before "Farben".
4376	6002	9	Change period to comma after "51 %".
4377	"	10	"up at that time," should be "up to that time,".
4378	"	12	"was on the French side," should be "was in favor of the French side."
4379	"	17	"The Verwaltungsrat's Administration Counsel" should be "The Verwaltungsrat, Administrative Counsel,".
4380	"	18	Insert "on a footing of equality." after first word "parties".
4381	"	31	"1967" should be "1867".
4382	6003	6	"charts" should be "charter".
4383	"	23	"chart" should be "charter".
4384	6006	25	Place period at end of line after "them".
4385	6007	11	Change "that it is my business, I can" to read "that is my business. I can".
4386	6008	18	Change period to comma after "company" and continue sentence with "a person".
4387	"	22	Place period after "result" and begin new sentence with next word "During".
4388	"	23	Change period to comma after "Francolor" and continue sentence with "were there".
4389	"	24	Insert "of the president," after "position".
4390	6009	9	"brought in by the Francolor and" should be "brought into Francolor by the French and".
4391	6010	22	Delete "that" after "discloses".
4392	"	23	Insert "and we" after first word "(Prose)ution".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
4393	6011	10	Insert "(Editor's note; See page 6013, ll. 3 ff. for proposed correction of this translation)" after first word "(oblig)ation".
4394	"	25	Change entire line to read "French group, and for instance if processes were".
4395	"	26	Change semi-colon to comma after third word "patents".
4396	"	32	Insert "methods of production were shown to them," after "received apparatus,".
4397	6013	3	Change and punctuate first part of line 3 as follows: "Kapital Verflechtung"; I have just
4398	"	10	Insert "Exhibit 1255," after "Book LVIII,".
4399	6014	17	"important purposes" should be "important war purposes".
4400	6015	7	"English pages 53" should be "English pages 35".
4401	6016	1	Insert "yourself" after "did you".
4402	"	2	Delete comma after first word "or".
4403	"	3,6,11	"articles of association" should be "Articles of Incorporation".
4404	"	13	"this is general" should be "these generally".
4405	6018	8	"Resilieu" should be "résigné".
4406	6019	6	Change period to comma after last word "contract" and add "NI-6845," after it.
4407	"	2	"resilie" should be "résigné".
4408	6020	16	Insert "on behalf of the German Industry," after "against France".
4409	6021	3	"which have repeatedly" should be "which has repeatedly".
4410	6024	2	Delete "Thank you."
4411	"	13	"the insurance sums" should be "the fire insurance sums".
4412	"	14	"the insurance values" should be "the fire insurance values".
4413	6026	14	"I will examine" should be "I can examine".
4414	6027	14	Delete "then" after "the latest".
4415	"	20	Last word "expeditions" should be "expedient".
4416	"	32	First word "Frankfurt" should be "France".

Item No	Transcript page	Line(s)	PROPOSED CORRECTION
4417	6030	3	Last word in line "assurance" should be "insurance".
4418	"	4	"to be about" should be "as about".
4419	"	6	"five percent" should be "five hundred percent."
4420	6035	6,16	"Hismann" should be "Hammen".
4421	6036	5	"Hismann" should be "Hammen".
4422	6037	32	Last three words in line "state whether the" should be "note the".
4423	6038	1	Change and punctuate beginning of line 1 as follows: statement that "a company with
4424	6039	20	Delete "in" before last three words "by way of".
4425	6041	7	Change line to read "It became clear to me from the following that namely in actual".
4426	"	6	"were longer" should be "were no longer".
4427	6042	30-31	Change lines 30 and 31 to read as follows: As it was arranged in a somewhat complicated way, I can give only approximate figures, because it consisted of a quota re-insurance and an "excess of less" in-
4428	6043	20	Last three words "because of the" should be "that the".
4429	6045	1	Insert the following before line 1

AFTERNOON SESSION

(The hearing reconvened at 13.30 hours.)

4430	6046	17	Insert "I cannot go on without the translation of the original. The sentences are too long." after "No, your Honor."
4431	"	18	Add "end page" after last word in line "book"
4432	6047	19	"their technical field," should be "the practical field."
4433	6048	5	Place comma after "ideas".
4434	"	12	Change "the Vichy Law" to "the important law".
4435	6049	1	Insert "of this" after "because".
4436	6050	6	Second word "gentleman," should be "gentlemen,".
4437	6051	20	Answer of line 20 should begin "The highest one in Germany." Then continue with the sentence "I believe—".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
4438	6051	22	Delete "that" before last word "a".
4439	"	28	Change "remarkable," to "very strange,".
4440	6053	12	Change "was ill until July 14." to read "was in the war. Until July 1914 —."
4441	"	14	Insert "During" before "World War I" at beginning of answer.
4442	6054	30	"calle Ziba." should be "called Ziba."
4443	6055	30	Change last three words "was the nitrogen" to "belonged to the nitrogen"
4444	"	31	Insert "to" after "place" (twice).
4445	"	32	Insert "to" after "place".
4446	6056	1	Insert "to" after "place".
4447	"	3	"in total" should be "in the total".
4448	6057	16	Change last two words "operate? As" to read "operate which"
4449	"	17	Delete "if" before "affected".
4450	"	18	Delete "Yes."
4451	"	23	"now results." should be "no results."
4452	"	26	Change period to dash after second word "losses". Continue sentence with "the Bank".
4453	6058	1	"The quota" should be "The quotas".
4454	"	18	Place dash after second word "finished".
4455	6059	4	"NI-91151" should be "NI-9151".
4456	"	5	"6155" should be "9155".
4457	"	20	"Object." should be "Objection."
4458	6061	3	"probably that" should be "that probably this".
4459	"	15	"merely an Industriousness" should be "merely industriousness".
4460	"	33	Change entire line to read "The basic idea was to maintain the Economic life in Poland".
4461	6062	1-2	Change lines 1 and 2 to read "and above all the pacification of the Polish market which Farben in collaboration with tri-partite cartel and the Polish groups had worked toward with".
4462	"	6	Change period to semi-colon after "waste". Complete sentence with "the substance would have been used up."

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
4463	6062	14	Change "the Department for Economy, the Office in Cracow." to "the Economy Trustee Office in Cracow."
4464	"	29	Change period to comma after "Farben" and complete sentence with "which continued paying us."
4465	6063	12	"with Wola, then Voruta" should be "with Boruta, then Wola".
4466	"	32	"Bielitz formerly" should be "Bialitz was formerly".
4467	6065	27	"people employed" should be "people were employed".
4468	6067	16	Change "facilities" to "plants".
4469	"	26	Change "wage assignments" to "work contracts".
4470	6068	3	First word "it" should be "them".
4471	6072	1	Before line 1, insert "Q. Did the HTO ever ask for more than five million?".
4472	6073	9	"As man" should be "As the man".
4473	"	19	"Coal was" should be "But coal was".
4474	"	22	Delete second and third words "was that".
4475	"	25	Insert "of that day" after "evening".
4476	6077	16	Insert "done with" after "had been".
4477	6078	1	Last two words "discontinued, in" should be "discounted, in".
4478	"	5	"of ull value" should be "of full value".
4479	"	8	First word "Prussia" should be "Poland".
4480	"	27	"to effect." should be "in effect."
4481	6079	13	"which built" should be "which was built".
4482	"	22	Place comma after last word "dye-stuffs".
4483	"	23	Place "Farben knew this" at beginning of line before "business".
4484	"	28	"for technical" should be "from technical"
4485	6082	5	"I way him again" should be "I saw him again".
4486	6083	5	"his sich son." should be "his sick son."
4487	6084	1	Place period after "regulation". Begin new sentence with "Here I".

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Item no.	Transcript page	Line(s)	PROPOSED CORRECTION
4488	6084	2	"September," should be "November,".
4489	"	5	Change line 5 to read "petitions for increase were to be made to the competent district head (Kreisshauptmann) with a confirmation of the Elderman of the Jews concerning the financial conditions."
4490	6085	19	Change comma to semi-colon after first word "conclusions". "won't the Tribunal be the people" should be "wouldn't the Tribunal be competent".
4491	6086	31	Change comma to period after first word "(partici)pated". Begin new sentence with "These".
4492	6087	24	"to stock" should be "to stick".
4493	6088	11	Delete comma and insert "with" after "personal messenger".
4494	"	20	"that there were" should be "that where there were".
4495	6091	20	Add "by" at end of line after "or".
4496	6092	1	Change first sentence to read "Both houses were in the balance sheets as well as in the books of Wola."
4497	"	15	First word "your" should be "their". Change period to comma after "Farben" and continue sentence with "the".
4498	6095	9-10	Change from "people" in line 9 through "executed" in line 10 to read "people favored by them would have been executed."
4499	6097	1	Insert "in" before "1941".
4500	6098	16	"I think" should be "I thank".
4501	"	18	"had not remained" should be "had remained".
4502	"	28	Change last four words to read "agency for iron Cracow, all non-used".
4503	6099	15	Line 15 should read "communications with Wola had been interrupted—".
4504	"	25	Insert "was fixed as a line of demarcation. Winnica lies on the eastern bank of the Wistula," after fourth word "Wistula".
4505	6100	15	Delete quotation marks before "not furnishing".
4506	"	18	Place comma after "first". "both Farben, French" should be "both Farben and French".
4507	"	30	"furnishing to dyestuffs" should be "furnishing dyestuffs".
4508	6101	4	Change "produce" to "import".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
4509	6101	11	Third word "chaki," should be "khaki,".
4510	"	17	"Swill" should be "Swiss"
4511	"	23	First word "how" should be "What".
4512	6102	2-3	"found any agencies," should be "found openly any agencies." Delete entirely the rest of the sentence.
4513	"	5	"Joseph Rosoard" should be "Joseph Froesard".
4514	"	16	"Winnica 1929" should be "Winnica in 1929".
4515	6104	23	"to loan coal" should be "to borrow coal".
4516	"	28	"was the peat." should be "was with peat"
4517	6105	1	Insert "then the" before "tariffs".
4518	"	2	"exchange, boundary," should be "exchange limitations".
4519	6106	23	Delete first word "business".
4520	6107	13	"under circumstances?" should be "under these circumstances?"
4521	6108	12	Change "for Chemical Inventions" to "for Organic Chemistry".
4522	"	14	Change "military" to "preliminary".
4523	6109	6-7	Delete "the affair of somebody else and was".
4524	6110	9	Insert "Farben" before last word "property".
4525	"	19	First word "What" should be "That".
4526	"	28	Change "January Pabianice received forty-five" to read "January 1945 Pabianice received".
4527	6111	8	Change "NI 1149, also" to "NI 5947, in book 55, English page 32, German page 46; and in Exhibit 1134, NI-1149, also".
4528	"	16	Change the seven last words to read "In charge of".
4529	"	18	"Landeswirtschaftsbund," should be "Landwirtschaftsbank,"
4530	"	19	"the account" should be "for the account".
4531	"	25/26	Change "was a plant that been divided into two parts and" to read "was a third territory and".
4532	6113	1	Before Line 1 insert "THE MARSHALL: The Tribunal is again in session."
4533	6114	9	Place comma after "Warthegau".

ITEM	Transcript	Line(s)	PROPOSED CORRECTION
No	page		
4534	6114	17	"made me" should be "made use". Last word "gave" should be "give".
4535	"	20	First word "he" should be "they".
4536	"	26	"We had to deliver" should be "We delivered".
4537	6115	4	Delete "and" before "amounted".
4538	6117	10	"Ich kann" should be "I can".
4539	"	18	Delete "made" after "We had".
4540	6118	21	Last word "additions." should be "supplementations."
4541	6120	11	"part from you" should be "apart from you".
4542	"	31	"that foreman" should be "that the foreman".
4543	6121	2	Change last three words "far-dyestuff works" to "Teerfarbenwerke".
4544	6122	11	Change second word "Krauch" to "purchase".
4545	"	24	"work mostly" should be "work was mostly".
4546	6123	4	"people or realized" should be "people realized".
4547	"	5	"who was the tariff negotiations and director" should be "who in the tariff negotiations as director".
4548	"	6	"plant and had" should be "plant who had".
4549	6124	17	Insert "any," after first word "even". Place comma after "a few".
4550	"	20	"the one mostes locksmith" should be "the locksmith".
4551	"	21	"grew" should be "got".
4552	6125	12	Last word "interfered" should be "interfere".
4553	6126	13	Change "this was a part" to "there was also a part".
4554	"	16	Delete "enes" after "directed".
4555	"	28	Delete "improve German,".
4556	"	32	Change "to know" to read "to throw".
4557	6127	17	"If the Fargen took ober" should be "If Farben took over".
4558	"	23	"give" should be "gives".
4559	6128	2	Add "for the" at end of line after "district".
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			Change "the spirit of the scene"

Item No	Transcript page	Line(s)	PROPOSED CORRECTION
4560	6128	8	Change "the spirit of the common bound the so-called" to read "the community spirit of the so-called".
4561	"	7	Insert "complete" after "witness".
4562	"	11	Change "But if one" to "And if one".
4563	"	13	Last two words "them talks" should be "then talks".
4564	6129	14	Place comma after "No. 2".
4565	6130	31	Last two words should be "just was".
4566	6131	1	First two words "It is" should be "was is".
4567	"	5	"He don't" should be "He doesn't".
4568	6133	32	"I was introduced" should be "I was not introduced". Change "but I did not" to "and I did not".
4569	6135	6	Last three words "at a later" should be "later at a".
4570	"	7	Insert "still" after first word "time".
4571	6136	9	"graduated with" should be "graduated under".
4572	6138	31	Last word should be "founded".
4573	"	27	"since" should be "science".
4574	6141	10	"this is on page 72 of the English," should be "this is Exhibit 295, on page 72 of the English, Book XI".
4575	"	11	"NI-10166" should be "NI-10161".
4576	"	23	"Production" should be "Promotion".
4577	"	28	"American Association, a society for the advancement of science." should be "American association, 'Society for the Advancement of Science.'" "
4578	6142	4	"Hoerlein 105 and 115." should be "Hoerlein No. 1, pages 105 and 115."
4579	"	6,7	"my brother," should be "my colleague."
4580	6143	31	"sure thing?" should be "short thing?".
4581	6144	24	"planning the war" should be "planning war".
4582	"	27	Change period to comma and insert "page 1." after first word "I".
4583	6145	7	"members does" should be "members did".
4584	6146	2	Place comma after "Book".

Item No	Transcript page	Line(s)	PROPOSED CORRECTION
4585	6146	11	Second word "places" should be "plants".
4586	"	16	"Leverkusen" should be "Hoechst".
4587	"	29	Insert "Exhibits 36 and 37 in" after third word "the".
4588	6147	5	"page 32" should be "page 82".
4589	"	13	"in 1938," should be "until 1938,".
4590	6148	16	"summer of 1935," should be "summer of 1939,".
4591	6149	11	"Exhibit No. 6." should be "Exhibit No. 8."
4592	"	15	Change comma to semi-colon after "level".
4593	6150	9	Change "on page 4," to "in Book IV,".
4594	"	17	"page 38" should be "page 84".
4595	"	30	"page 6" should be "page 86".
4596	6151	6-7	"Document No. 738," should be "Exhibit No. 783,".
4597	"	7	Insert "Book" after "English".
4598	"	16	Delete "of Foreign".
4599	"	31	"affected to Farben" should be "affected Farben".
4600	6152	3	Change comma to period after "contact". Begin new sentence with "Business".
4601	"	5	Change period to comma after "Authority". Delete next word "They".
4602	"	8	"page 70," should be "page 17,".
4603	"	10	"Exhibit No." should be "Exhibits No.".
4604	6153	9	Add "was" at end of line after "whatever".
4605	"	14	Change period to comma and insert "Exhibit 411." after "July 1936".
4606	"	24-25, 27	Change "leaders in the War Economy" to "Wehrwirtschaftsfuehrer".
4607	"	28	Change "War Economy Leader" to "Wehrwirtschaftsfuehrer".
4608	6154	3	Change "it was not in the year 1941." to "in January 1941.".
4609	"	22	"followed the" should be "followed by the".
4610	"	23	"Stahlbrook" should be "Steenbock".

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Item No	Transcript page	Line(s)	PROPOSED CORRECTION
4611	6154	30	"general discussions" should be "general political discussions".
4612	"	31	Delete period after first word "about". Continue sentence with "the sense".
4613	6155	7	"that it was the intention of Hitler to" should be "that the intention of Hitler was to".
4614	6156	5	"in Book No. 9." should be "in Book No. I, page 9."
4615	"	15	Place comma after "did you".
4616	"	22	Third word "Fews" should be "Jews".
4617	"	24	"Homeopathies," should be "homoeopathy."
4618	6157	12	Delete first word "of".
4619	"	14	"homeopathies." should be "homoeopathy."
4620	"	17	Last word "him." should be "them."
4621	"	19, 20	Delete "Dr. NELTE:" on line 20. This paragraph is a continuation of the President's words in lines 17 and 18.
4622	6158	3	Place comma after first word "(under)stood" and also after "it".
4623	6160	17	Delete "anti-senetic". "vivisectionists" should be "anti-vivisectionists".
4624	6161	14	"That very well" should be "That may very well".
4625	6162	21	"of discretion as to" should be "in the discretion of the Prosecution as to".
4626	"	24	Line 24 should read "that it is proper from the scientific standpoint on vivisection".
4627	6164	12	"circles of government" should be "circles or government".
4628	"	29-30	Change lines 29 and 30 to read "Yes. I fought the government for its intervention within the framework of the raw materials regulations and the so-called supply plans. I did not do this because I be(lieved)".
4629	6165	9	"44th" should be "74th".
4630	"	10	Change "increases" to "statistics".
4631	"	18	"ministry of Finance" should be "ministry of Sciences".
4632	"	25	Second word "President" should be "Treasurer".
4633	"	32	Place period after second word "production". Begin new sentence with "As a result". "internation" should be "international".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
4634	6166	17	Last word "to" should be "for".
4635	"	23	First word "times" should be "Times".
4636	"	26	Last words "whom we had" should be "with whom we had".
4637	6168	20	"fellow members." should be "fellow citizens."
4638	"	28	"I was able" should be "I would be able".
4639	"	29	Place comma after "manner".
4640	6169	10	"in 1932" should be "in 1933". Last two words "politicians are" should be "politics are".
4641	"	17	"some of the Nazi" should be "some aims of the Nazi".
4642	"	28	Last four words "that if I had" should be "than if I had".
4643	"	30	Insert "of the pro and con" after "deliberation".
4644	"	30-31	Delete "account for".
4645	6170	13	"given these affidavits" should be "give in these affidavits".
4646	"	14	Delete "the" before "testimony".
4647	6173	24-25	Change "hygiene relating to an international basis matters." to "the units and dosage of remedies internationally."
4648	6174	12	Third word "was" should be "as".
4649	6175	19	Delete "I had" after "basis".
4650	6176	13	Last two words "and keep" should be "and to keep".
4651	"	19	Change line 19 entirely to read "The financial means which was owed to the initiative of Prof. Hoerlein and without".
4652	"	21	"without contract with I.G." should be "without any binding contract by I.G."
4653	"	24	Last two words "new drugs?" should be "new therapeutic drugs?"
4654	6177	20	Delete "there is" after first word "justification".
4655	"	27	Change "have observed the new drugs" to "under observation".
4656	"	28	Change "but for that they need" to read "apply the new drug on".

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Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
4557	6177	29	Change "experiment." to "trial."
4558	"	30-31	Place period after "(sic)" in line 30. Change rest of line 30 and line 31 to read "On the results, depends the release of the drug for the general practice of doctors."
4559	6178	12	Change "experiment" to "healing test".
4560	"	14	Change first word "experiment" to "healing test".
4561	6179	3	Last word "experiment?" should be "test?"
4562	"	7	Delete "such" before last word "by".
4563	"	8	Delete third word "intentionally".
4564	"	14	Delete last three words "to clear up".
4565	6180	32	Delete third word "to".
4566	6181	7	Delete "on" after "patient".
4567	"	8	First word "and" should be "or to".
4568	"	23	Last word "shall" should be "should"
4569	"	24	Change second word "try" to read "make an attempt".
4570	"	26	Change "we try to save" to read "we make an attempt to save".
4571	"	30	Delete "to" after "possible".
4572	6183	20	Change second word "a" to "an early or".
4573	"	28	Insert "healing" after "possible".
4574	"	29	Place comma after "implications".
4575	"	30	"efforts made" should be "efforts were made".
4576	6184	10	Third word "must," should be "must not,".
4577	"	11	Delete "must not".
4578	"	20	"in 1942 and 1942?" should be "in 1941 and 1942?".
4579	"	27	Delete "What do you mean by 'comprehensible,'". Insert "Of course," before "Doctor—".
4580	6185	2	"they had founded," should be "that had been founded,".
4581	"	17-18	Change "you must put up if you are a strict scientific worker," to read "one must fulfill on the basis of strict scientific criticism."

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
4682	6186	8-10	Change from "which you" in line 8 through first word in line 10 to read "of strict scientific criticism, if, on the basis of the expose, the drug is to be applied on a patient."
4683	6187	12-13	Change lines 12 and 13 to read "Certainly not, since in view of the danger to health which existed on the one hand, and since on the other hand, the expose had made everything quite":
4684	6188	15-16	Change lines 15 and 16 to read "(conscientious)ly observed and the reasons appearing for recommending methylene blue for typhus are given in detail."
4685	6190	9-10	Change lines 9 and 10 to read "isolated from the scientific literature of foreign countries. By methods which I do not know, certain scientific publications".
4686	"	13	Change line 13 to read "In the Vorstand of the German Chemical Society the question dis(cussed)".
4687	"	14	Delete "the question". Last three words "useful to circulate" should be "possible to reprint".
4688	"	15-16	Change "reprint them, perhaps in German," to read "circulate them".
4689	6193	30	Delete "not" before last word "undoubtedly".
4690	6198	9	Change comma to semi-colon after first word "helpful".
4691	"	16	Insert "in" before "the simple things".
4692	"	17	"became known" should be "it became known".
4693	"	21	"already aid" should be "already said".
4694	6200	3	Change comma to period after "body". Begin new sentence with "They were".
4695	"	8	"infections" should be "infectious".
4696	6202	12	Insert "than" after "further".
4697	"	32	"plants" should be "plans".
4698	6203	10	"the persons in charge" should be "the competent persons in charge —"
4699	"	11	"of the commissions of the plant — plant managers," should be "the commissions, the plant managers,".

Item No	Transcript page	Line(s)	PROPOSED CORRECTION
4700	6203	12	Change comma to semi-colon after "generally"
4701	"	14	Second word "if," should be "it,".
4702	"	26	"have a single instance" should be "in a single instance".
4703	6204	8	Last four words "which also be of" should be "which would also be of".
4704	6205	28	Delete last word "will".
4705	"	29	Change period to comma after "respect" and continue sentence by adding "and they never did so."
4706	6207	29	Place comma after "bribes".
4707	"	30	"offices." should be "officers."
4708	6210	4	"NI-3857" should be "NI-3807". "Page 91" should be "page 41".
4709	6211	25	Last three words "the Central Committee" should be "the Office of the Central Committee".
4710	6212	5	"5,614 odd" at end of line should be "5,679.46 RM".
4711	6213	9	Change last three words "could have done." to "wanted."
4712	"	26	First two words "and only" should be "and that only"
4713	6214	13	Insert "Promoters of" after "Association of".
4714	6215	6	"4 billions." should be "3 billion,".
4715	"	17	"it merely," should be "then merely,".
4716	"	18	Second word "it" should be "then".
4717	6217	8	"Exhibit 42," should be "Exhibit 32,".
4718	"	25	"research plant" should be "research institute".
4719	6218	4	Change line 4 to read "Because we had in Elberfeld the Institute for Industrial Hygiene for the".
4720	"	7	"Social Hygiene?" should be "Industrial Hygiene?"
4721	6224	3	Delete "then" after "report".
4722	6225	4	"to have reference" should be "to make reference".

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Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
4723	6227	5	Last two words "rules whether" should be "ruled whether".
4724	6228	81	Change comma to period after last word "it".
4725	6229	1	Begin new sentence with "If".
4726	"	11	Delete "to then".
4727	"	16	Place comma after "assignment".
4728	"	17	Delete commas after "plant" and after "thereby".
4729	6230	16	Insert "to" after "permission"
4730	6233	23	Delete as repetition entire line with the exception of last two words "and was".
4731	6234	7	Insert "of the German" after "page 20"
4732	6235	2	Place comma after "misunderstanding" and delete next three words "in the standing"
4733	"	3	Delete first word "von", placing the quotation marks before "Hochsterstelle".
4734	6237	12	Change line 12 from "that" to read "That in no way did any facts come to my".
4735	6237	21, 23	"to have" should be "of having".
4736	6239	26	Place comma after "Staff". Delete comma after "Elberfeld".
4737	"	30	Change "the effective animal experiments," to "their experimental effects."
4738	6240	21	"are denied" should be "were denied".
4739	6241	7	"there was" should be "there were".
4740	"	15	Last three words "does not and" should be "did not and".
4741	"	18	"contains" should be "contained".
4742	"	27, 33	"Fournault," should be "Fournern,".
4743	6242	6, 8	"Fournault," should be "Fournern,".
4744	6243	18	"February 194k," should be "February 1941,".
4745	6244	18	Change period to dash after last word "drugs", and continue sentence with "the chemical" in next line.
4746	"	20	Place colon and delete dash after first word "then".

Item No	Transcript page	Line(s)	PROPOSED CORRECTION
4747	6244	23	First word "plants" should be "plant".
4748	6245	26	"No. 42" should be "No. 43".
4749	"	27	"Book II," should be "Book I,".
4750	"	28	"Exhibit 32" should be "Exhibit 5."
4751	6246	16	Insert "Exhibit 489," after "1315."
4752	"	24	"the Behringwerke" should be "the Auf- sichtsrat of Behringwerke".
4753	6247	26	Delete "A.G." after "Behringwerke".
4754	6248	18	Place comma after "Jewish wife".
4755	6249	30	Change "meetings" to "reports" (first time) and to "report" (second time).
4756	6240	11	Change period to comma after third word "reports".
4757	6251	5	Change "We tested" to "We at Elberfeld had".
4758	"	6	Change "at Elberfeld," to read "tested through Leverkusen,".
4759	"	13	Last three words "same of the" should be "sale of the".
4760	6252	31	"plants intermediate" should be "plants for intermediates".

Item No	Transcript page	Line(s)	PROPOSED CORRECTION
4747	6244	23	First word "plants" should be "plant".
4748	6245	26	"No. 42" should be "No. 43".
4749	"	27	"Book II," should be "Book I,".
4750	"	28	"Exhibit 32" should be "Exhibit 5."
4751	6246	16	Insert "Exhibit 489," after "1315."
4752	"	24	"the Begringwerke" should be "the Auf- sichtsrat of Behringwerke".
4753	6247	26	Delete "A.G." after "Behringwerke".
4754	6248	18	Place comma after "Jewish wife".
4755	6249	30	Change "meetings" to "reports" (first time) and to "report" (second time).
4756	6240	11	Change period to comma after third word "reports".
4757	6251	5	Change "We tested" to "We at Elberfeld had".
4758	"	6	Change "at Elberfeld," to read "tested through Leverkusen,".
4759	"	13	Last three words "same of the" should be "sale of the".
4760	6252	31	"plants intermediate" should be "plants for intermediate".

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Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
4761	6256	15	Change period to comma after "Exhibit 52".
4762	6257	10	Change the fourth word "to" to "from".
4763	6257	24	Place comma after "humanity".
4764	6258	6	Change "in addition to their" to read "just as the".
4765	6258	30	Delete comma after "expose".
4766	6260	15	Delete last word "Case".
4767	6260	16	Change "of the symptoms indicated" to "indications named".
4768	6260	27	First two words "These associations" should be "These connections".
4769	6261	7	Last word "contents," should be "contents".
4770	6262	6	"results varied" should be "results were negative".
4771	6262	23	"Exhibit 53," should be "Exhibit 54".
4772	6263	30	Last two words "have been" should be "had been".
4773	6264	2	"package" should be "patents".
4774	6264	7	Last two words "to to(gether)" should be "it to(gether)".
4775	6265	28	First word "officer" should be "Professor".
4776	6266	6	Change comma to period after "Book 84 and delete "4." at end of line.
4777	6266	7	" page 128" should be "page 9".
4778	6267	5	Insert "of the German," after "page 2
4779	6267	6	"page 78" should be "page 18".
4780	6269	4	Delete "Q" and place quotation marks before first word "It".
4781	6269	8	Place quotation mark after "Bayer." at end of paragraph.
4782	6269	22	"Page 2" should be "Page 28".
4783	6271	13	"This is 128" should be "This is 9".
4784	6271	18	Change first word "concerns" to "w".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
4785	6271	23	"page 128" should be "page 9".
4786	6271	29	Last word "sparta" should be "branch".
4787	6271	30	"each of them" should be "each of us".
4788	6272	5	"mentioned just" should be "mentioned on just".
4789	6272	9	"as a scientist" should be "then we scientists".
4790	6272	22	"Exhibit 42," should be "Exhibit 32,".
4791	6274	11	"Paragraph 1, page 52" should be "Paragraph 152, page 85".
4792	6274	12	"Brief, Paragraph 3, and I know" should be "Brief III, and I know".
4793	6275	8	Change line 8 to read "That's in Book 2 of the Prosecution, page 50 in the English."
4796	6275	10	"methelene" should be "gasoline". Change "for dye stuff" to read "for chemicals, dyestuffs".
4797	6275	11	"artificial fibrice" should be "artificial fibres".
4798	6275	18	Change "clearance from new services a Elberfeld was" to read "credits for n buildings at Elberfeld were".
4799	6275	20	"of the Vorstand" should be "of all t technical Vorstand".
4800	6275	23	"my primus inter paris." should be "a primus inter pares."
4801	6276	5	"page 62" should be "page 42".
4802	6276	7 & 13	"theraphy" should be "therapy".
4803	6276	8	Place quotation marks before last two words "at the".
4804	6276	9	"typhus theraphy" should be "typhus therapeuticum". Place period and quotation marks after "tested". Delete "on mice."
4805	6276	10	Line 10 should read as follows: the acridine of Hoechst and then "methylene blue tested on mice in Professor Kikith of

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
4806	6276	11	Place quotation marks after "Elberfeld."
4807	6276	12	"methylene blues" should be "methylen blue".
4808	6278	5	"Dr. again," should be "Dr. Buergin,".
4809	6278	6	Insert "the defendant Dr." before first word "Buergin".
4810	6278	18	"the agent for typhus," should be "the bearer for typhus,".
4811	6279	20	Last two words "now happy" should be "how happy".
4812	6279	27-28	Change lines 27 and 28 to read "Kikut By accident when I was in Berlin soon afterwards I was sought quite unexpectedly, as I mentioned before, to discuss with".
4813	6279	30	Change entire line to read "the possibilities to combat malaria in the East".
4814	6280	16	Change last word "anything" to "at all".
4815	6281	16	Delete last word "for".
4816	6282	2	"he told" should be "Hugrowski told".
4817	6283	14	Last two words "tests are" should be "tests are".
4818	6284	6	"typhus asked" should be "typhus and asked".
4819	6284	22	"yes." should be "No."
4820	6284	24	"Document 62" should be "Document 72".
4821	6285	3	"Document 7" should be "Document 71".
4822	6285	6	"Hoerlein Document," should be "Hoerlein Document No. 71,".
4823	6285	31	Last two words "is in" should be "is that in".
4824	6286	9	"The _____ (?) sent me" should be "A request that you send me".
4825	6286	19	Insert "as well as German soldiers," after "front,".
4826	6286	25	"unsuitable subject." should be "unsuitable subjects."

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
4827	6286	31	"I do not with" should be "I do not wish".
4828	6290	23	"at the same time." should be "at this time."
4829	6290	26	Last word "injec(tions)" should be "infec(tions)".
4830	6290	31	Third word "supposes" should be "the expose". Add "only." after last word "disease".
4831	6291	11	"was very effective against typhus." should be "had been used very effectively against trachoma.."
4832	6291	13	Insert "by" before "Prof. Schlomka"
4833	6291	14	"medical offer" should be "medical assistant".
4834	6291	18	Last word "take" should be "have".
4835	6293	20	"none of which" should be "a part of which".
4836	6294	1	Last word "takes" should be "tubes".
4837	6294	15	Change last three words "passed nor suggested" to "asked nor suggested".
4838	6294	21	Last word "objective" should be "objectively".
4839	6294	32	Place comma after first word "consider
4840	6296	2	"to weight the affidavit was," should be "to weight of the affidavit,".
4841	6296	21	"from his membertot" should be "from his memory and not".
4842	6296	22	"or a copy" should be "or from a copy"
4843	6297	21	Delete "and" before last word "incompetent".
4844	6297	31	Last two words "spehding about?" should be "speaking about?"
4845	6298	9	Add "its" after last word "without".
4846	6298	23	"you can say and disvute" should be "you can disvute".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
4847	6298	24	Change "that this affidavit does not" to "whether or not this affidavit does"
4848	6299	2	"discusses" should be "discussing".
4849	6299	6	Place dash instead of period after "in it" and complete sentence with the statement beginning "that is" in next line.
4850	6299	23	"and misunderstanding" should be "any misunderstanding".
4851	6300	14	First word "issueds." should be issue
4852	6300	18	Delete first word "that".
4853	6300	21	Change "out of this affidavit" to "from this affidavit".
4854	6301	16	Delete first word "going".
4855	6301	25	Delete "index is". Insert "of the index" after "second page".
4856	6302	18	"be one of three" should be "B 1034".
4857	6303	10	Change "you did not this," to "you knew this,"
4858	6303	17	Change "give the certain time or the" to read "establish certainly or the".
4859	6304	15	"and this page 63;" should be "English page 63;"
4860	6306	2	"5 co's." at end of line should be "5 com."
4861	6306	9	First two words "the patient" should "the patients".
4862	6306	10	Last three words "the patient died" should be "the patients died".
4863	6306	15	Change "The Dr. Tondos and Feikel" to read "The Drs. Feikel and Wlozinski, former inmates,"
4864	6307	12-13	Change from "Is it true" in line 11 through line 12 to read: Is it true that, if one says, as you can see, "after determining the diagnosis, he prescribed these preparations," in a case of

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
4865	6307	17	Change first word "perhaps" to "that".
4866	6309	6	Change line 6 to read "associates discussed it with Prof. Kikuth or Dr. Kletsch. It is also".
4867	6309	10-11	Change "at any rate I did" to "in any case I would".
4868	6311	3	Change "experimental subjects and compatibility" to "and compatibility test".
4869	6311	13	Delete "that by" before "using".
4870	6311	22	After line 22 add the following line: THE WITNESS: Can I speak further?
4871	6314	13-15	Delete as repetition from last word in line 13 "merely" through "reading them" in line 15.
4872	6315	17	Insert the following after last word "Kuehne." in line 17: "Mr. President, I ask that the defendant Kuehne be excused for the rest of the session today so that he can go to Room 57 to speak with his son who has come to Nuernberg about an urgent matter. The Prison Officer has already given his permission for this conference."
4873	6316	30	"Saturday noon." should be "Saturday forenoon."
4874	6319	6	Change "prerequisites" to "assumptions".
4875	6319	21	"Exhibit No. 9" should be "Exhibit No 90".
4876	6320	4	"Document 79" should be "Document 97"
4877	6320	14	"Document 97 is Book 4" should be "Document 97 in Book 4".
4878	6321	7	"Document No. 5" should be "Document No. 4".
4879	6322	12	"he helped care of" should be "he had to care for".
4880	6322	14	"exappropriated" should be "expropriated".
4881	6322	27-28	Change from "and offer" in line 26 through line 27 to read "and that any additional examination by other could be made later. I believe this examination will take about a half hour."

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
4882	6323	24/28	Change the entire paragraph to read as follows: A. Yes, of course. In order to make the publication "The People's Health from Blood and Soil" disappear, I had to deal twice with the Reich Leader of Physicians, Gerhard Wagner. And when after a few months this paper was again permitted because it was then published under Streicher's own management, a paper on the same level as the "Stuermer" it was even more difficult to make it disappear.
4883	6323	31	Change comma to period after "have". Begin new sentence with "In"
4884	6324	6	Insert "was a medical man and" after "Herhard Wagner".
4885	6324	6-7	After line 6 and before line 7 insert "which was difficult under Hess,".
4886	6324	25	Delete second word "our".
4887	6325	7	Change last word "gave" to "got".
4888	6326	5	"I originally had through," should be "We originally had through,".
4889	6326	30	After line 30 add the following line A. I studied medicine.
4890	6327	3	Change last word "in" to "of".
4891	6327	19	Change "with narcois" to "the narcoe" and insert after it "discovered by me and to report about it. (Editor's note see page 6328, lines 11-12.)"
4892	6328	11	"interpreter said as I am told, he forgot" should be "interpreter as I am told, forgot".
4893	6328	12	Place Quotation marks before and after first three words "that I found."
4894	6328	25	"asphixiation" should be "asphixiation"
4895	6328	28	Change first three words "that didn't harm." to "the evipan."
4896	6328	30	Last two words "a dis(covery)" should be "the dis(covery)".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
4897	6329	1	Change "AZF" to "evipan". Also change last word "and" to "ones which".
4898	6329	2-3	Place comma after "this one". Change "and that can be seen from any of the present operating rooms." to "and you cannot imagine any operating room without them."
4899	6329	17	"the entire plant." should be "the entire plant".
4900	6329	21	Place comma after first word "preparation".
4901	6329	23	Change "we can't pass the material." to read "could we pass on the material."
4902	6329	24	Insert "that" after first word "up".
4903	6329	30	Place period after "occured" and begin new sentence with "Through". Delete period after "control" and continue sentence with "we".
4904	6329	31	Change line 31 to read "certain that the tablet or ampule contained that which"
4905	6330	1	Change line 1 to read "we put on the level and in the quantity required by us. At".
4906	6331	29	Change "which might not be favorable if the experiments," to "which did not correspond to the expose,"
4907	6332	23-24	"differences in the therapeutic doses should be "difference in the doses for the therapeutic effect"
4908	6333	2-3	Change lines 2 and 3 to read "is meant to show him what secondary effects he might expect from too large doses or individual hyper-sensitivity, where".
4909	6333	9	Change "to show," to "to judge,".
4910	6333	21-22	Change from "prepared by the" in line through line 22 to read "which were sent to Dr. Vetter at Dachau by the Scientific Department in Leverkusen."
4911	6334	17	Last three words "the facts were" should be "the following facts were".
4912	6335	9	First word "the" should be "an".
4913	6336	7	"a disease" should be "a virus disease"

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
4914	6336	9	Place period after "patients". "As emotive" should be "As a motive".
4915	6336	10	Change last word "a" to "no".
4916	6337	11	"1941," should be "1942,".
4917	6337	22	"I do not know it," should be "I do know it,".
4918	6337	26	"as well known" should be "as was well-known"
4919	6338	12	"persons," should be "sickness."
4920	6339	7	Add "salvedin," after last word "including".
4921	6339	9	Change first three words "stream when it" to "stream and which".
4922	6340	13	"the type of testimony" should be "that type of testimony".
4923	6340	18	"II" should be "XI".
4924	6340	31	First word "thereafter," should be "th".
4925	6341	5	Place period after "law". Change rest of line to read "They would my collaboration in economic questions. The only choice".
4926	6342	3	"the Part?" should be "the Party?".
4927	6342	16	Last two words "joined that" should be "joined in that".
4928	6343	1	First two words "You have" should be "There are".
4929	6343	4	Change "you have question," to "there are tax questions,".
4930	6343	5	"I did not deal with these questions" should be "I cannot deal with these questions in".
4931	6343	8	Place quotation marks after "heard." end of paragraph.
4932	6344	2	"one-part State," should be "one-party State,"
4933	6345	4	Third word "order" should be "other".
4934	6346	20	"Animan" should be "Animal".
4935	6347	15	"16 August 1936" should be "16 Augu 1933".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
4936	6348	20	"blackmail of the Party?" should be "blackmail on the part of the Party".
4937	6350	3	"were called" should be "were not called".
4938	6351	22	"that meeting," should be "those meetings,".
4939	6351	23	"for credit" should be "credits".
4940	6354	22	Change line 22 to read "in the English Document Book I unfortunately did not find these pages. In Book I of the English these two".
4941	6366	7, 8	"Meres" should be "Mourice".
4942	6366	29	"details and" should be "and detail".
4943	6372	5-6	Change lines 5 and 6 to read "(questions, from the documents received up to this time, one could determine some of the answers of part of the examination. On the other hand, the defendant)".
4944	6375	28	Add comma and "if it" at end of line after "of it".
4945	6376	26 26	Delete "or not the right".
4946	6383	17	"of questions" should be "of the questions".
4947	6384	4	Change "not here is just the situation to "not here now;"
4948	6386	19	Insert "it" after "I stated".
4949	6387	20	"Behring" should be "Bayer".
4950	6387	28	Place period after "Dr. Luecher".
4951	6389	19	Change "as an organization," to "from the organizational point of view."
4952	6390	24	Insert "which were to be tested clinically. As far as they come from Elberfeld, the responsibility" after "materials".
4953	6391	1	Place semi-colon after "instance".
4954	6392	13	"I say" should be "I saw".
4955	6392	31	Complete sentence by adding "and received the exposes from Hoechst".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
4956	6397	19	insert "we" after "consistent".
4957	6397	20	Last two words "we are" should be "where we are".
4958	6397	25	"where" should be "Here".
4959	6401	17	"on all conference" should be "in all conferences".
4960	6401	18	"this conferences" should be "these conferences".
4961	6405	6	Change "Meissner" to "Reiter".
4962	6406	20	Change line 20 to read "not usually r way to flog a dead horse."
4963	6408	30	Change first two words "the answers" to "answers as to".
4964	6409	10	Insert "when" after "this time"
4965	6410	24	Change "plants which had to deliver goods to Marburg." to read "plants of Hoechst which had to take care of Marburg,".
4966	6410	25	Change last word "obtained" to "asked for".
4967	6410	26	"to the TEA which was" should be "in the TEA which were".
4968	6412	31	Change last word "usage," to "business".
4969	6413	27	"saw it;" should be "saw them;".
4970	6414	17	"Now that," should be "Now,".
4971	6415	3	"assition" should be "addition".
4972	6416	15	Change "84, 87" to "33 of the English and 47".
4973	6417	2	"is submitted" should be "was submit"
4974	6417	3	Last two words "this was" should be "it was".
4975	6417	4	Change "according to" to read "since"
4976	6417	5	Delete "it" before "isn't".
4977	6417	7	"is being" should be "be".
4978	6417	18	"the copy. It is" should be "that That is".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
4979	6418	1	Insert "as" after "we find".
4980	6418	4	Place quotation marks after "Dannitz,
4981	6418	30	"its fact" should be "its face".
4982	6419	15	Change "but even through" to "since".
4983	6420	4	"as is criminal and" should be "that is criminal,"
4984	6422	18	Add "that" at end of line after "required".
4985	6422	19	"to be produced more quickly." should be "be produced more quickly."
4986	6422	31	Change "that having" to "since the witness has".
4987	6422	32	Last three words should be "question whether the".
4988	6423	16-17	Change from "can see exactly" in line 16 through line 17 to read "can see that it does not say that he endanger people by inoculation with 3000 dose of Behring vaccine, so that he can say what--".
4989	6423	29	Insert "of medical trials" after "clinical tests".
4990	6423	30	"endangering" should be "endangered" Last three words "who in the" should be "who were in the".
4991	6423	32	"this was the reception person in" should be "there was the receptionist in".
4992	6424	10	Change last word "then" to "which we
4993	6425	10-11	Delete as repetition "since if they had not intended normal clinical tes
4994	6425	31	Second word "to" should be "for".
4995	6429	31	Place quotation marks after "Instita
4996	6431	8	"1864" should be 1865".
4997	6431	21	Change "it was not worth my while to there." to "it was not even worth my while to go to Leverkusen because of this matter."
4998	6432	4	Place period after "concluded". E new sentence with "In". Delete pe after "Lemberg" and continue sen with "the new".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
4999	6432	6-7	Change from "he should" in line 6 through "temporarily" in line 7 to read "I could comply with the wish to dismiss Dr. Goennert temporarily from Elberfeld and to have him transferred to Lemberg."
5000	6433	6	First word "German" should be "Hermer"
5001	6433	16	Delete "in" after "distorting".
5002	6433	26	Change last word "donator," to "bugbear,".
5003	6433	27	Change "to get him to assist us in many ways." to "to accomplish certain desires."
5004	6433	29	Delete quotation marks after "Institute."
5005	6436	13	Insert "of Weigl." after "Institute"
5006	6437	26	Second word "you" should be "one".
5007	6437	27	Last word "use" should be "no.".
5008	6437	31	Insert "that" after second word "say"
5009	6439	22	Delete "Now," and begin sentence with "The actual". Last two words "he has" should be "he now has".
5010	6439	23	Add "be the" at end of line after "happens to".
5011	6439	24	"annex the report so that" should be "annex to the report so that now".
5012	6439	25	Change period to comma after "circumstances". Continue the sentence with "we are".
5013	6439	26	Change comma to period after second word "with".
5014	6440	7	"Goehring Works" should be "Behring Works".
5015	6440	9	"E.G. cultivated" should be "egg-cultivated".
5016	6442	5	"It can" should be "I can".
5017	6442	24-25	Place period after "expert" in line. Begin new sentence with following "That", and correct end of line beginning of line 25 to read "The neither Dr. Lautenschlaeger nor

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5018	6448	6	Complete this line by adding the sentence "Some offices sent two representatives."
5019	6449	23	Last word "management" should be "establishment".
5020	6451	18	Insert "patent" after "French".
5021	6454	5	"as the time" should be "at the time".
5022	6454	31	"the the preparation" should be "that the preparation". Delete last word "Prof."
5023	6455	1	Delete first three words "Kikuth for"
5024	6456	8	Change "They had to contain" to "They were good because they contained".
5025	6459	6	Delete fourth word "has".
5026	6459	14	Change comma to period after last word "witness".
5027	6459	15	Place "Counsel should" at beginning of line and continue the sentence with "let him".
5028	6460	14	"as it was satisfactory" should be "satisfactorily concluded."
5029	6461	2-3	Insert the two following lines after line 2 and before line 3 Q. Were you a member of the SS? A. No.
5030	6461	21	Last two words "his activity?" should be "his former activity?"
5031	6465	7	"Tribunal tires" should be "Tribunal tries".
5032	6465	27	Third word "brought" should be "bough"
5033	6468	5	Insert "tests or" after "comparative" Place parentheses around "vergleichsversuche".
5034	6469	19	Change "his troops." to "the inmates. Insert "We considered him as a surgeon of his unit but" after "inmates." and continue sentence with "we had".
5035	6469	27	First word "as" should be "an".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5036	6471	2	"with concentration" should be "were concentration".
5037	6471	15	"cleanly" should be "clearly".
5038	6474	2	"reporint" should be "reporting".
5039	6480	4	Change last two words "not tests." to "therapeutical treatments."
5040	6483	1	Delete "not really".
5041	6483	4	"to go with this?" should be "to go in with this?"
5042	6483	22	Change first word "state" to "quote".
5043	6485	21	Change line 21 to read "carried out also in the legal organization of Farben?"
5044	6485	22	Insert "also these;" after "Yes,". Change "department" to "organization".
5045	6486	1	"become enormous" should be "becomes enormous".
5046	6487	24	Insert "and" before last word "especially".
5047	6487	25	Delete second word "the". Change peri to comma after "matters".
5048	6488	5	Last three words "meet each else(wher" should be "met each other else(where)"
5049	6490	1	Change "with the aid" to "in view".
5050	6491	15	Last word "if," should be "was,".
5051	6491	16	"How, if now special" should be "Now, if no special".
5052	6492	8	Change entire line 8 to read "with the request to examine the contracts in respect from the technical point of view. Then there would come for instance the answer that the contract in itself was good and reasonable."
5053	6493	4	Insert "that I was" before "in charge".
5054	6494	10	"in a trial" should be "in a law suit".
5055	6494	26	Change last word "held" to "met at".
5056	6496	13	"on this subject" should be "on the subject". "whether in such an enormous enterprises" should be "whether such enormous enterprise".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5057	6496	14	Delete first word "this".
5058	6497	10	Change "the Council of Plant Manage" to read "of the Betriebsfuhrer Conference." Complete page with the following paragraphs after line 10: Q. Did you get the minutes of the meetings of these Committees? A. I received the minutes of the TEA and of the KA, but I do not know exactly if I received them always or only in the cases where I attended the meetings. I never got minutes of sessions of the Advisory Council of Entrepreneur or of the Betriebsfuhrer conferences.
5059	6498	30	Third word "say" should be "saw".
5060	6499	27	Change "Copyrights and Patents." to "Industrial Property and Copyrights"
5061	6500	8	"Right Mental" should be "Right of Mental". Insert the following note after line 8: (Editor's Note: German is "Aus-schuss fuer das Recht des geistigen Schaffens" which is translated as "Committee for the Law of Copyright" in the Indictment.)
5062	6501	3	Place comma after "Committee" and delete next two words "of the".
5063	6502	3	Change "Then the description in general," to read "The lawyer Brendel with the description in general of"
5064	6502	19	"supplemental" should be "supplement"
5065	6503	26	Insert "of the fields" after "the middle".
5066	6503	29	"There are parts of the statistics" should be "These are parts of the annually prepared statistics".
5067	6504	4	Third word "mind" should be "mine".
5068	6504	20	Change period to comma after "subjects". Continue sentence with "in the first".
5069	6505	4	"that--" should be "--that".

Item No.	Transcript page	Line(s)	Proposed Correction
5070	6506	21	insert "something" after "to bring".
5071	6506	22	Change period to dash after "Tribunal". Continue the sentence with "we think".
5072	6506	24-25	Change "incompetent except for their improper as well as incompetent connection" to read "competent in those points which we do not object to".
5073	6507	8	"that it is" should be "that is".
5074	6507	9	"that there is very" should be "and there is very".
5075	6509	2	"Lasach" should be "Versailles".
5076	6509	21	Change "that office" to "the office of the Central Committee".
5077	6512	14	"reserve office," should be "reserve officer,".
5078	6514	25	"endangers" should be "endangered"
5079	6516	14	"economic reason." should be "economic treason."
5080	6516	19	"not until afterwards apparent." should be "not apparent, not even afterwards."
5081	6516	23	"under Soda Fabrik" should be "and Soda Fabrik".
5082	6517	7	Insert "but" before last word "such".
5083	6518	15	Change "on a world enterprise" to "for our world enterprise".
5084	6518	26	Change comma to period after "(sug)gestions". Begin new sentence with "One had".
5085	6519	15	Change "reports an invention," to read "files an application for an invention,".
5086	6520	6	Place quotation marks before "Persons".
5087	6520	10	Place quotation marks after "provisions."
5088	6520	23	Change first four words to read "Filing of applications for passport abroad,".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5089	6521	22	"many patents" should be "many secret patents".
5090	6522	24-25	Change "regards to" to "treats".
5091	6522	29	"1942" should be "1946".
5092	6523	9	Delete period after last word "had" and complete the sentence by adding "due to the measure."
5093	6523	14-15	Change "says that it is important, extremely important," to "claims that, on the basis of his repeated talks with the Army Ordnance Office and especially with its chemical expert Dr. Hagemann, it is especially important,".
5094	6523	22	"dagger" should be "danger".
5095	6523	25	Delete comma after "viewpoints".
5096	6523	26	Place comma after "considered".
5097	6523	31	Place quotation marks before "The questions".
5098	6523	32	Place quotation marks after last word "up.".
5099	6524	1	Change "makes" to "lists".
5100	6524	31	Change comma to period after "agreement". Begin new sentence with "Until".
5101	6525	1	Delete quotation marks at end of line after "us"
5102	6525	2	No new paragraph, continuation of quotation. Begin sentence with "Just so, a" instead of "A".
5103	6525	3	Place quotation marks after "polystyrol."
5104	6525	4	Change period to comma and insert "and" after "general".
5105	6526	10-11	Change period to comma after "Law" and continue sentence with "on pages 100 to 105" in next line.
5106	6526	15	Change comma to period after "1933". New sentence should begin "On page 107, you will find".
5107	6526	15-17	"of essential" should be "of the essential".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5108	6526	17	Insert "of an invention to National Defence" before first word "is".
5109	6527	1	Delete third word "that".
5110	6527	4-5	"and in part, worked with" should be "which in part, concerned".
5111	6527	6	"1940" should be "1941."
5112	6527	14	Delete "event".
5113	6527	15	Changed last two words "worked with" to read "a collaboration with".
5114	6527	22	"dictated note." should be "dictation note."
5115	6529	26	Delete last words "in offering".
5116	6531	5	"1938, directive" should be "1937, directed".
5117	6531	6	"1939." should be "1937."
5118	6531	11	"1938," should be "1937,".
5119	6531	22	"detailed discussion" should be "detailed oral discussion".
5120	6532	2	"interest" should be "cooperation"
5121	6532	12	Insert "(Editor's Note; See line 25 ff. below)" after second word "mergers".
5122	6532	16	Insert "which constitute an abuse of the patent monopoly" after "contracts"
5123	6532	17	Place period after "America" and delete "which constitute an abuse of the patent monopoly."
5124	6532	24	Insert "the" before "Standard Oil".
5125	6533	11	Change period to comma after "contracts".
5126	6533	12	Delete first word "Certainly".
5127	6533	13	"200" should be "2000".
5128	6535	1	"a syndicate, whether a cartel or not" should be "a syndicate or cartel".

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Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5129	6535	24	First word "same" should be "some".
5130	6535	25	Delete "would" after "people".
5131	6535	28	"it existed." should be "it exists."
5132	6536	5	Change "with the oil executives." to "in the oil fields."
5133	6536	8	"as early as" should be "as late as".
5134	6536	13	Change the last four words "in that country for" to "for machine equipment in".
5135	6537	16	Delete "conclusions of".
5136	6538	15	Change "obligations to grant licences might exist" to "obligatory licenses might be given".
5137	6539	5	Delete first two words "so enormously".
5138	6539	9	Delete "enormously and".
5139	6539	10	"protecting patents." should be "patent protection."
5140	6539	13	"is produced" should be "be produced".
5141	6539	22	Change "to protect the patent products" to "of patent protection".
5142	6539	31	Change "products" to "protection"
5143	6540	7	"are particularly severe," should be "is particularly oppressive,".
5144	6541	4	Change "the document" to "the indictment".
5145	6541	22	"Birch," should be "Berge,".
5146	6542	23	"a very important" should be "an important".
5147	6545	16	Last word "reaching" should be "far-reaching".
5148	6545	19	Delete last word "it",
5149	6546	10	Change "use of Ferghen" to "for oil".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5150	6546	16	Delete comma after "know-how".
5151	6546	18	Delete comma after "forget it".
5152	6546	23	"a quality that is 50-50." should be "equality, that is 50-50."
5153	6547	14	Insert "(Editor's Note: See page 6549, lines 4-5 for proposed correction.)" after "too much." "I do not know" should be "I do not know".
5154	6548	4	Delete "process of".
5155	6549	26	"I speak" should be "I will speak"
5156	6550	4	Change "in the industry of New Jersey." to "as a holding company in New Jersey."
5157	6551	3	Change period to comma after "countries". Continue sentence with "in a sense a division of" instead of "In a way a Division of".
5158	6551	4	"Oil for Standard Chemistry for Farben," should be "oil for Standard, chemistry for Farben,".
5159	6551	8/9	Change "preeminent position in the field of Chemistry," to "in the oil field an Standard acknowledged Farben's outstanding position in the chemical field,".
5160	6551	18	Second word "eases" should be "case".
5161	6551	25	Change "working out" to "treatment".
5162	6553	4	Place semi-colon after third word "desk". "experience of" should be "experience in".
5163	6553	16	"that mutual" should be "that the mutual".
5164	6553	25	Change "exchanged" to "received".
5165	6553	29	"War Ministry" should be "War Department".
5166	6554	10	Change "meetings" to "many things"
5167	6554	22	Delete quotation marks after "difficulties." and before "We".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5150	6546	16	Delete comma after "know-how".
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5153	6547	14	Insert "(Editor's Note: See page 6549, lines 4-5 for proposed correction.)" after "too much," "I do not know" should be "I do not know".
5154	6548	4	Delete "process of".
5155	6549	26	"I speak" should be "I will speak"
5156	6550	4	Change "in the industry of New Jersey." to "as a holding company in New Jersey."
5157	6551	3	Change period to comma after "countries". Continue sentence with "in a sense a division of" instead of "In a way a Division of".
5158	6551	4	"Oil for Standard Chemistry for Farben," should be "oil for Standard, chemistry for Farben,".
5159	6551	8/9	Change "preeminent position in the field of Chemistry," to "in the oil field an Standard acknowledged Farben's outstanding position in the chemical field,".
5160	6551	18	Second word "cases" should be "case".
5161	6551	25	Change "working out" to "treatment".
5162	6553	4	Place semi-colon after third word "desk". "experience of" should be "experience in".
5163	6553	16	"that mutual" should be "that the mutual".
5164	6553	25	Change "exchanged" to "received".
5165	6553	29	"War Ministry" should be "War Department".
5166	6554	10	Change "meetings" to "many things"
5167	6554	22	Delete quotation marks after "difficulties." and before "We".

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Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5168	6554	23-24	Place comma after "Mostly". Change "I can say almost we do" to read "one can say nearly always, we get the permission,".
5169	6554	25	Place comma after "rather late".
5170	6555	4	Last word "disloyalty" should be "disloyal".
5171	6555	5	"of the Farben." should be "on the part of Farben."
5172	6560	29	Change period to comma and insert "Exhibit 16." after "page 138".
5173	6561 ff.	3 ff.	"Yasco" should be "Jasco".
5174	6562	1	"as you can" should be "which you can".
5175	6564	13	"Yasco" should be "Jasco".
5176	6564	28	Delete period after "A". This is continuation of answer beginning on line 17 and should read "A Joint American".
5177	6565	1	"to them" should be "to it".
5178	6565	2	"they were" should be "it was".
5179	6555	4	Last word "extense" should be "expense".
5180	6565	13-14	Change lines 13 & 14 to read "to a third party, then the originating party should transfer its patent rights to Jasco including all the".
5181	6565	21-24	Change "brought" in line 21 through line 24 to read "brought in the process; then reimbursement of developing costs had to be settled before the process was brought in and before patent rights were transferred to Jasco; this is the case when in agreement with Jasco one of the partners had developed the process himself at the expense of Jasco."
5182	6567	7	"out enterprises" should be "our enterprises".
5183	6567	10	"contract." should be "fact."
5184	6567	14	Delete comma and add "in German" after last word "Jasco".

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Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5185	6567	15	Third word "their" should be "Jasco's".
5186	6567	23-29	Change entire paragraph to read as follows: A. If the development work was not done by Jasco itself, but for Jasco by I.G., which was true in the Jasco case, the procedure was like this: if and when - as the contract says - "the commercial exploitation is in order", meaning that there was a complete process which could be licensed to third parties, then Farben had to transfer respectively general licensing rights to Jasco, including know-how. Naturally at the same time reimbursement of costs for development work had to be settled.
5187	6568	21	Insert "had to be made on a large scale. After these" after second word "tires". "postponed to the summer" should be "about summer".
5188	6568	24	Change "This we did not merely want, to exchange" to read "It was not only a question of exchanging".
5189	6568	27	Add at end of paragraph "(Editor's Note: See page 6569, lines 5 ff. for proposed correction.)"
5190	6569	15	Insert "by cable" after "requested"
5191	6568	16	Place period after "carried on" and delete "by cable."
5192	6569	20	"limited that" should be "intimated that".
5193	6569	21	Change "Then they spoke about" to read "With regards to".
5194	6569	22	Change last three words "they meant this:" to read "the following was meant:".
5195	6569	25	Add "from England & France." after "blocked off".
5196	6570	1	Insert "in these countries" after "negotiations".
5197	6570	2	"any war work on their patent," should be "any work on their patents,".

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Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5196	6570	3	Insert "or infringed," after "Attacked".
5197	6570	8	"which the United," should be "which comprised the United States,".
5200	6570	9	Delete "would receive,".
5201	6570	13	"had asked --" should be "had asked for it." Begin new sentence with "It was".
5202	6570	14	Place period after "established" Change next words "with a result to "Therefore".
5203	6570	16	Change "patent only in" to "patents not earlier than".
5204	6570	27	"of the United States." should be "from the United States."
5205	6570	28	Change last two words "the fact to read "after".
5206	6570	29	Delete first word "that". Change "no products anyhow" could be" to "know-how could not be".
5207	6570	30	Insert "any more," after first word "exchanged".
5208	6571	1	Change "with that the transfer of patents." to "we did transfer the patents."
5209	6571	11	Delete "It was quite accentable that", Begin new sentence with "If all".
5210	6571	18	Change comma to question mark after second word "yourself". Begin new sentence with "If these". "is extremely" should be "are extremely".
5211	6571	23	"to be worked in" should be "worked out".
5212	6571	26	Change line 26 to read "petrol could not be licensed before the Autumn of 1930, that".
5213	6571	27	Delete "it had been".
5214	6571	29	Change last word "contracts" to "patent rights".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5215	6571	30	"De Hague" should be "the Hague".
5216	6572	1	"ho how" should be "of know-how".
5217	6572	16	Delete second word "as". Add "which appeared in America." after last word "book".
5218	6572	19	Delete "then" before "the matter".
5219	6573	3	Change line 3 to read "the viewpoint of the partner of Standard Oil and its competent gentlemen,".
5220	6573	8	Change "that fact, on pages" to read "that the chapters".
5221	6573	9	Change entire line to read "this book, which are the only ones referred to by Mr. Howard, the only ones which deal with the affair under".
5222	6574	4-5	Change "and there a particular leg department for the dyestuffs." to "and of their legal departments."
5223	6574	5	Change last word "they" to "Loverkusen".
5224	6574	6	First word "were" should be "was". Delete "Dyestuffs".
5225	6574	16	"after the occupation" should be "because of the occupation".
5226	6574	18	Change "you have to think about this thing." to read "certainly not. One must realize how the matters were."
5227	6574	21	"to fix the date, it might" should be "to fix a date, which might".
5228	6574	22-26	Change from "showed that" in line 23 through "it was not the task" in line 27 to read: "on the most difficult problems in this very meeting, showed that a long preparation was necessary. It is quite impossible that in connection with Czechoslovakia the Legal Committee was suddenly convened. There were ten different points dealing with quite other questions. Furthermore it was not the task".
5229	6574	27	Change "to correct resolutions" to "to make resolutions".

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Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5230	6575	5	Third word "their" should be "another".
5231	6575	7	Last word "this" should be "it".
5232	6575	8	Change "under a" to "in this".
5233	6575	9	Delete "in a country".
5234	6575	14	"there was" should be "there were".
5235	6575	16-17	Change "that already had what" to "was done which".
5236	6575	17	Delete "That," and begin new sentence with "Of course",.
5237	6575	19	First word "was" should be "war".
5238	6575	20	Last two word "has always" should be "have always".
5239	6575	22	Delete comma after second word "transport".
5240	6575	29	Insert "of the English," after page 87".
5241	6576	30	"gold clause process" should be "gold clause law suits".
5242	6577	2	"gold process" should be "gold clause law suit." Change "It is different" to "It is difficult".
5243	6577	4	"that concern" should be "that concerned".
5244	6577	8	Change second word "has" to "had".
5245	6577	9	Place period at end of line after "payment".
5246	6577	10	Begin new sentence with first word "In". Change period to comma after "States" and continue sentence with "the dollar".
5247	6577	12	Change "only needed" to "had to pay only".
5248	6577	24	Change first word "have" to "had". Change "German citizen," to "German guarantor,".
5249+	6577	26	"consider possible" should be "consider as impossible."
5250	6577	28	Change "against any confiscation by the Sheriff." to "like an unreliable debtor against execution."

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5251	6577	30	Change "and in another case the guarantor might have to pay gold" to read "and to have the guarantor pay in gold".
5252	6578	6-8	Delete "A. Yes." in line 7 and "Q.-" in line 8. Line 8 is continuation of question and should follow after "United States?" in line 6.
5253	6578	8	Change "trial to force" to "law suits to enforce".
5254	6578	11-12	Change lines 11 & 12 to read "only paper dollars, the shares were bought and an agio was paid in countries where one got gold dollars and there was a big mix-up in the jurisdiction."
5255	6579	10	"clauses in it" should be "clauses in them",.
5256	6579	13	"but we will" should be "and we will".
5257	6582	3	"at par value." should be "at book value."
5258	6582	7-8	Change lines 7 and 8 to read "the same dividends Farben paid its shareholders, I.G. Farben was obligated to pay enough".
5259	6583	11	Insert "for I.G. Chemie Shares." after "exchange".
5260	6584	14	"I have in the" should be "I have offered in the".
5261	6587	22	"except Germany," should be "besides Germany,".
5262	6587	30	Place comma after last word "compulsion".
5263	6590	5	Delete "certains".
5264	6591	31	"It different" should be "15 different".
5265	6593	1	"European Patent" should be "A European Patent".
5266	6593	10-11	"Bureau International reunion pour la Propriete Industrielle, litteraire et artistique" should be "Bureaux Internationaux Reunis pour la Protection de la Propriete industrielle, litteraire et artistique"
5267	6593	12	Insert "Protection" of after second word "for".

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Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5268	6593	27	"to given consideration." should be "to ^o given consideration."
5269	6593	32	"in regard all" should be "in regard to all".
5270	6595	13	Add "be" ad end of line after "may".
5271	6598	6	Delete "Ten days on end" and begin new sentence with "There were".
5272	6598	8	Insert "for days and days." after first word"(ques)tion".
5273	6600	27	Last two words "on finger," should be "one finger,".
5274	6601	13	"nothing to;" should be "nothing to do,".
5275	6602	5	Change period to comma and insert "which was to be its duty" after "Russia".
5276	6602	7	"of 50 %" should be "of more than 50 %"
5277	6602	8	Delete "smaller"
5278	6602	27	Insert "Firstly," after "the following:" Continue sentence with "it was".
5279	6603	19	Insert "I" before last word "do".
5280	6603	21	Change semi-colon to comma and insert "and" after second word "Boruta". Change comma to period after "lease" and delete "as I recall."
5281	6604	2	Insert "(Editor's note: ^{translation} See page 6605, lines 1-7, for proposed correction,)" after first word "occasion".
5282	6604	5	Insert "(Editor's Note: See page 6605, lines 1-7, for proposed translation correction,)" after "occasion".
5283	6604	10	Insert "in my opinion" after "arose". Place colon at end of line after "presentation".
5284	6604	11	Delete "as far as I was concerned:".
5285	6604	22	"had always been" should be "was to be always"
5286	6604	22-23	"had been" should be "were to be".
5287	6605	20	"dealt with a" should be "dealt with by a".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5288	6606	30	Change "visitor" to "guest".
5289	6610	3	Delete "charts were on hand". Add "charts" at end of line after "aid of".
5290	6610	4	Delete first word "which". Last three words "they way in" should be "the way in".
5291	6610	5	"were explained" should be "was explained".
5292	6611	14	Last three words "from the Standard" should be "that the Standard".
5293	6614	9	"secceral times." should be "several times."
5294	6614	14	"Mining Administration," should be "Bergwerk Administration,".
5295	6614	27	Delete "the cooperation with" and insert "of" before "Fuerstengrube".
5296	6614	28	Add "and the further cooperation with it." to complete sentence after "m.b.H."
5297	6616 should be Page 6615, page 6615 should be page 6616		
5298	6615 (ex-6616)	11	Last three words "in which its" should be "to which its".
5299	6615 (ex-6616)	28	Change "compote and harmony" to "complete harmony".
5300	6620	20-21	Change "and usual by the Anorgana concluded that contract and it was" to "concluded usually by the Anorgana which was".
5301	6621	7-8	Change "you saw a concentration camp for the first time there;" to read "you saw there for the first time concentration camp inmates working;".
5302	6621	13	Last two words "been come" should be "become".
5303	6621	23,31	"Dr. Dilter" should be "Dr. Diltey".
5304	6621	25-27	Change sentence from "that all of this" in line 25 through end of paragraph in line 27 to read "that you checked, so to speak, in a general way all the members of the legal staff as to their personal and professional abilities?".

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Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5305	6622	2, 3	"Dr.Dilter" should be "D r. Diltey".
5306	6623	16	Change period to comma and add "and these civilian requirements included industrial consumption." after last word "requirements."
5307	6624	18	Insert "as to the first subject, I definitely said that I knew nothing of it;" after first word "Yes,".
5308	6625	1, 9	"Central Administration Office" should be "Office of the Central Committee".
5309	6626	25	"I was a member." should be "I was not a member."
5310	6627	12-15	Change from "states" in line 12 through end of paragraph in line 15 to read as follows: states: "Text of the statement of Schmitz follows." Then there's a paragraph with this statement of Schmitz which Dr. ter Meer contests and he is right to do so, and this statement contains the sentence "I believe--"; this sentence does not refer to ter Meer but to Dr. Schmitz and it's just as incorrect here as it is in a whole number of other pages, this statement of Dr. Schmitz.
5311	6628	6	Place comma after first word "possibly".
5312	6628	16	Insert "I do not recall it." at beginning of paragraph before "It may".
5313	6628	17	Delete "of the existence of".
5314	6628	23	"I had you" should be "I hand you".
5315	6628	31	Add "the" after last word "and".
5316	6629	1	"I will try to" should be "I will try".
5317	6630	22	Delete "heavy" before last word "Industry".
5318	6630	23	Insert "process" after "important".
5319	6631	1	Change Line 1 to read "A. I know only that part of the work of the Vermittlungestelle W", deleting period at end of line.

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Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5320	6631	2	Change first word "That" to "which".
5321	6631	17	Place period after "knew him".
5322	6631	18	Place period after "plants" and begin new sentence with "For as".
5323	6631	21-22	Change "I am not able to produce anything further." to read "I no longer followed."
5324	6632	1	Change "One minute; that" to read "Yes" Begin new sentence with "An agreement".
5325	6632	3	Place comma and insert "Mr. Verbeck," after second word "Leverkusen".
5326	6632	5	Delete last word "and".
5327	6632	8	"classified" should be "clarified".
5328	6632	9-10	Change "technical matters." to "social matters."
5329	6632	29	"it was nothing" should be "there was nothing".
5330	6632	31	"of an perhaps" should be "and perhaps".
5331	6634	5	"know of them." should be "knew of it."
5332	6634	8	"constructs" should be "constructed".
5333	6634	9	"commissions" should be "commissioned".
5334	6634	10	Change "and grants the license." to read "and received the license for it."
5335	6635	25	"note B.O. unlaut," should be "note Boe,".
5336	6635	26	Insert "if it was not very important and" before last word "I".
5337	6635	27	Change "if somebody asked" to read "to ask".
5338	6637	7	Change "a capital of" to read "a re-compensation of".
5339	6639	30	Change last words "which I ask" to read "and I ask".
5340	6640	4	"about Legal" should be "about the Legal".
5341	6640	6	"usually to make there" should be "usual to make three".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5342	6640	8	"to three" should be "to the three".
5343	6640	12-15	Change "sent in his branch" to "sent to his Sparte".
5344	6640	18	Change "they passed me" to "they went through my office".
5345	6640	20	"my table." should be "my desk."
5346	6640	30	Change "leave my desk until my return but sent" to read "remain on my desk until my return but would be sent".
5347	6640	31	Delete "after if" before last word "I".
5348	6641	2	Delete "they were carried by the".
5349	6641	3	Add "had taken care of them." after "contract".
5350	6641	7	Change "there is a" to "that a".
5351	6641	8	"in itself important" should be "in itself might be important".
5352	6641	9	"that those" should be "that of those".
5353	6642	5	"licenses," should be "licensing".
5354	6642	28	Change third word "Department" to "agency for them".
5355	6644	16	Delete last word "licenses".
5356	6645	1	"recall in" should be "recall that in".
5357	6647	14	Change last two words "of a" to "the".
5358	6647	16	Insert "this conference?" after "in relation to".
5359	6648	21	Change first word "which" to "was".
5360	6649	2	"told us that" should be "told us that".
5361	6650	2	"where he" should be "when he".
5362	6653	13	"other gentlemen who formally was a business manager" should be "of the gentlemen who formally were business managers".
5363	6653	20	"received lawyers without any knowledge." should be "engaged lawyers without my knowledge."

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Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5364	6654	6	"that he stated" should be "and he stated"
5365	6655	18	Change "his interests" to "one's interests".
5366	6656	27	"was prompted" should be "were prompted".
5367	6657	1	Change "bold clause problem to" to "gold clause problem did".
5368	6657	7	Change "with nations that devaluated" to read "other nations' devaluated".
5369	6657	10	Change "credit" to "loan".
5370	6657	11	Change "pay their own debts." to read "guarantee this loan."
5371	6657	23	"I may be" should be "It may be".

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Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5372	6659	27	"Exhibit 1807" should be "Exhibit 1870".
5373	6659	28	"Exhibit 1861" should be "Exhibit 1871".
5374	6661	10	"economically" should be "for economic".
5375	6663	6	"the exhibit which has yesterday been" should be "the exhibits which yesterday were".
5376	6663	7-8	"as a proper exhibit." should be "as proper exhibits."
5377	6663	8	Insert "them" after "to have".
5378	6663	10	Change "another copy is" to read "additional copies are".
5379	6664	5	"and the last" should be "in the last".
5380	6664	7	Insert "crisis" after first word "September".
5381	6664	17	"NI-14224;" should be "NI-14024,".
5382	6667	2	"the Chairman of the Legal Committee" should be "the head of the Legal Department".
5383	6667	17 and 23-24	and "against measures of sequestration," should be "against writs of attachment or execution", with quotation marks after "execution".
5384	6667	18	Place quotation marks before "the safeguarding". "of war" should be "against war".
5385	6668	3	Insert "(Editor's Note: See page 6667, lines 17 and 24-25 Translation there corrected.)" after first word "sequestration."
5386	6668	5	Insert "are" before "compulsory measures" outside of the quotation marks.
5387	6668	9	Place quotation marks after "Zwangs-vollstreckungsmaßnahmen".
5388	6668	23	Change "none whatsoever." to "nothing."
5389	6669	1	"that regulations" should be "that if regulations".

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Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5390	6669	2	Delete "and" after "secrecy".
5391	6669	19	Change "I didn't entent to say it that way." to read "I didn't say that."
5392	6669	24	Change "single" to "older".
5393	6669	26	Change "personal order for conscription" to "personal mobilization order".
5394	6670	14	Delete "that" after "Secondly,". Insert "(Editor's Note: See lines 19 ff. below.)" after "development".
5395	6672	8	Second word "lead" should be "led".
5396	6672	12	"Mr. Howars" should be Mr. Howard".
5397	6672	20	Place period after "that" and delete next word "for". Begin new sentence with "About".
5398	6673	22	Delete "and" after "Belgium".
5399	6674	7	Change "That is all I" to read "Otherwise I don't".
5400	6674	8	Delete period and add "being consulted" after "remember".
5401	6674	18	Delete "It's the" and place quotation marks before last word "Legal".
5402	6674	19	"and the legal" should be "and legal".
5403	6674	20	"by Dutch law." should be "of Dutch law."
5404	6675	3	"Prosecution Documents" should be "Prosecution Exhibits".
5405	6676	8	Change entire line 8 to read "matter which was reported briefly about Boruta in the Vorstand and I".
5406	6676	13	"on the drawing of charters of" should be "in the drawing of charters for".
5407	6676	17	Change third word "by" to "regarding". Add "referring to synthetic rubber" at end of line after "matters".
5408	6676	25	"he had to assist" should be "we should assist".
5409	6678	6	Change "a regular visitor" to "regularly a guest".
5410	6678	13-14	Change "everything under the sun" to "all possible things".

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Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5411	6681	31	"IT offices." should be "I.G.offices."
5412	6682	21	"officers." should be "offices."
5413	6683	29	Paragraph should end with "three Spartes." Begin new paragraph with "Q. This paragraph re(fers)"
5414	6686	13	"is not affected by the contract." should be "are not affected by the expiration of the contract."
5415	6686	15	Place quotation marks before "Orgacid" "is to keep" should be "will keep".
5416	6686	16	Change "the Farben processes strictly secret." to "Farben processes, experiences, and deliveries, strictly secret." And place quotation marks after "secret".
5417	6686	19	Change "I believe that will suffice." to "will that suffice?"
5418	6686	21	Change "That is paragraph 5." to "Then there is paragraph 5."
5419	6691	31	"near Oder" should be "near the Oder".
5420	6693	17-18	Change "was not incorporated into a special company." to read "had not the special form of a special company."
5421	6693	21	"Any holdings" should be "Many holdings"
5422	6693	22	Second word "formerly" should be "formally".
5423	6693	25	Change "very obvious." to "various."
5424	6694	12	Change "completely" to "merely".
5425	6694	16	Insert "that were handled" after "affaires".
5426	6695	8	Change third word "fuite" to "the suit:". Delete comma after "A.R.G."
5427	6696	12-13	Change sentence from "That is:" in line 12 through "20 December, 1937" in line 13, to read as follows: It is the meeting of the Legal Committee of 15 November 1938. "2. Gold Clause Litigation: In connection with Silcher's report in the meeting of 20 December, 1937,"
5428	6696	18	Add "Any more?" at end of line after "acute."

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Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5429	6696	28	Delete quotation marks after "abroad" and before "involves". "--Veraten went on--" should be "--as Veraten went on to say--".
5430	6697	3	Place quotation marks before "The problem". Delete quotation marks before last word "as".
5431	6697	4	Delete quotation marks before "involves". Place quotation marks after last word "questions."
5432	6697	11	Change "Q." to "A" at beginning of line.
5433	6697	18	Change "pardon" to "apology".
5434	6697	19	Change "has been made" to "has been put".
5435	6700	13	"previously" should be "previous".
5436	6701	3	Add "I beg you will excuse me if I claim your Honor's patience again." at end of line after "afternoon."
5437	6702	8	"upheld" should be "held".
5438	6702	12	Change "asked for" to "nominated".
5439	6702	13	Delete "to be placed there".
5440	6702	28	"I have said" should be "I said".
5441	6702	32	"that the contract" should be "the contract".
5442	6703	15	Change "specific development of such proposals was left to" to read "work on specific cases remained with".
5443	6703	18	Add "done" at end of line after "matters".
5444	6704	21	"for ter Meer" should be "from ter Meer". Insert "a" before "quotation".
5445	6708	1	Change semi-colon to dash after third word "cases".
5446	6708	14	Place comma after "it was" and change last word "is" to "was".
5447	6708	17	"was merely" should be "it was merely".
5448	6709	5	"On the other hand" should be "On the one hand".
5449	6710	2	"finding effect" should be "binding effect".

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Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5450	6710	7	Delete "and" after "may be worth".
5451	6711	30	Delete comma after "as we do".
5452	6712	11	Change period to comma after "co-defendant". Continue sentence with "if he".
5453	6712	30	Third word "had" should be "has".
5454	6719	26	"Chemical workers" should be "chemists".
5455	6719	29	"Communité" should be "Community".
5456	6721	6	"page 143" should be "page 173".
5457	6723	6	Delete "The English did not receive them."
5458	6723	19	Add "and furthered it," after last word "plant,".
5459	6724	5	Delete "after" after "mentions that".
5460	6724	9	Insert "him" after "nicknamed".
5461	6724	12	Last word "the g" should be "his".
5462	6725	5	Insert "of Farben," after "outside".
5463	6725	15	Delete comma after second word "secrecy".
5464	6726	8	"Dr. Kregler," should be "Dr. Krekeler,".
5465	6726	14	"this dyestuff" should be "these dyestuff".
5466	6726	18	Last two words are "Uerdingen to".
5467	6726	30	Place comma after "States". Change "I preferred to work" to "I also worked now, according to my inclination".
5468	6727	13	Change "I worked only" to read "I worked practically exclusively".
5469	6727	30	"Monte Cattini," should be "Montecatini".
5470	6728	6	"Durant-Bouvenant" should be "Durand-Huguenin".
5471	6728	13	Delete "firm" after "Graselli".
5472	6728	21	"the Aniline Works," should be "the General Anilin Werke,".
5473	6730	15	Place comma at end of line after "say".
5474	6731	1	Last two words "rowing clubs" should be "rowing and alpine clubs".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5475	6733	7	Insert "allegedly" after "because".
5476	6733	24	Last two words "come from." should be "came from."
5477	6735	15	"was just as much my business" should be "was for me exactly the same".
5478	6735	29	Add "when" at end of line after "before--".
5479	6736	7	"consider his" should be "consider him".
5480	6737	2	Delete "'s" after first word "Meer".
5481	6737	21	Delete quotation marks around first word "borrowed" Insert "it from" after first word "borrowed". Delete "to go in his place"
5482	6737	22	Delete "there" after "hear that".
5483	6738	13	Change period to comma and insert "Document 19, Exhibit 12." after "Dr. Schnoll".
5484	6738	14	"about in a meeting" should be "about a meeting".
5485	6740	14	"underneath" should be "under".
5486	6741	15	"as it is concerned it proposes" should be "as they are concerned they propose".
5487	6745	15	"page 58" should be "page 78".
5487 a)	6745	17	Change "that he combatted Thonemic Party Measures" to read "that he sharply combatted the ever increasing planned economy".
5488	6745	23	Change "he did not hold with" to "he detested".
5489	6745	32	Change "the Verdingen Railway Car Factory" to read "the Verdingen Waggon-fabrik, on the Aufsichterrat, of which ter Meer was a member,"
5490	6746	19	Change line 19 to read as follows: Meer who said "Even if it should be possible for you to realize the army's program,
5491	6746	23	Place period and quotation marks after "scales." Change rest of line to read "The affiant declares that the officers were enraged about this statement and that it was interpreted as a sign that ter Meer was".

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Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5492	6746	30	Insert "without considering the service personnel who were present in the dining room," before "Dr. ter Meer".
5493	6747	6	"matter's connection" should be "matters in connection".
5494	6748	21	Change period to comma after "America" and complete sentence with "through the mediation of Dr. ter Meer."
5495	6749	4	Change semi-colon to comma after last word "affairs", and add "including the so-called training courses".
5496	6750	31	Last words "Exhibit vl." should be "Exhibit 31."
5497	6752	8	Change "it had" to "it was expected to have".
5498	6753	20	Change first word "important" to "member".
5499	6754	1	Insert "Berufsgenossenschaft Chemische Industrie" after "head of the". Place parenthesis before "Chemical".
5500	6754	2	Place parenthesis after "Professional Organization".
5501	6754	3	"an official" should be "a semi-official".
5502	6754	4	Change "secures" to "insures".
5503	6755	4	Change "which I did." to "which I was".
5504	6755	24	Place period after second word "industry". Change next word "which" to "it".
5505	6756	24	Add "(Interessengemeinschaft der deutschen Teerfarbenfabriken)" after last word "factories".
5506	6757	10	"production of German dyestuff" should be "position of German dyestuff".
5507	6757	11	Add "creation of the" after last words "for the".
5508	6757	12	Change "industry" to "interests".
5509	6757	17	Change "Germany" to "England".
5510	6757	19	"where confiscated." should be "were confiscated."

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5511	6757	22	"abroad not produce," should be "abroad could not produce,".
5512	6757	26	"for Farben" should be "for Farben's balance sheet".
5513	6757	27	"has assumed" should be "had assumed".
5514	6758	12,13	"Caselle" should be "Casella".
5515	6758	14	Change "elsewhere." to "otherwise."
5516	6758	17	Change comma to semi-colon after "Hoechst". Change "Leverkusen Farbstoffe at Bayer," to "Farbenfabriken Bayer at Leverkusen;".
5517	6758	18	Change comma to semi-colon after "Berlin".
5518	6758	19	Change "Chemical Factories" to "Chemischen Fabriken". Add "in Uerdingen." after "Ter Meer".
5519	6758	23	Change "reason was" to "motif for".
5520	6758	24	Change second word "a" to "the". Delete "here" after "Mergor".
5521	6758	29	Change "construction" to "structure".
5522	6759	7	Change "an independent basis" to "a large basis".
5523	6759	8	Insert "chlorine, bleaching powder," after "alkali,".
5524	6759	10	Change last words "production of rubber," to "rubber goods,".
5525	6759	16	Insert "for" after "Dr. Ungewitter".
5526	6759	22	"All the members" should be "All the Vorstand members".
5527	6760	10	Place period after last word "factories".
5528	6760	11	Change "and the other men too. There was a" to read "As for the other men, there was also a".
5529	6761	1	Last two words "say each" should be "saw each".
5530	6764	8	Delete "on the meeting".
5531	6764	23	Add comma and "let's say," after last word "which".
5532	6764	31	Change first word "their" to "his".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5533	6765	3	"Each one" should be "If one".
5534	6765	4	"and was in" should be "then he was in".
5535	6765	5	Change "definitely a director" to read "a general director of great capacities."
5536	6765	7	Insert "or pharmaceuticals," after first word "dyestuffs". "an enormous machine" should be "an enormous sales machine".
5537	6765	8	Place comma and insert "procurists and representatives" after "directors".
5538	6765	31	"the case cooperation" should be "the case this form of cooperation".
5539	6767	19	Change "we know, besides their" to read "we had good judgment not only as to their".
5540	6767	20	Change first two words "what exactly" to read "but also as to".
5541	6767	20	place period after "character" and delete "was."
5542	6768	12-13	Change "caused these gentlemen to be obligated to keep secrecy," to read "obligated them to secrecy."
5543	6769	8	"your field" should be "their field".
5544	6771	14	Change last two words "resolutions that" to "decisions of".
5545	6771	15	Place period after "Committee" and delete "made."
5546	6771	16	Second word "that" should be "them".
5547	6772	9	First two words "They were" should be "They alone were". Delete "solely".
5548	6772	24	".4 per cent per million" should be "0.4 per cent".
5549	6772	29	"to the Prosecution" should be "by the Prosecution".
5550	6773	8	Delete "immoderate." and complete paragraph with "rather moderate, that is, too small. I learned about them in this way."

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Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5551	6774	9	Last two words "five thous(and)" should be "five hundred thous(and)".
5552	6775	5	"time in the leading" should be "time the leading".
5553	6775	7	Delete "Mr. Duisberg" and change "was" to "were".
5554	6775	29	Change first word "that" to "which".
5555	6775	30	"reserve" should be "research".
5556	6776	13	"Central Committee" should be "TEA".
5557	6777	20	Insert "according to the laws prevail in Germany" after "academicians who".
5558	6777	21	Change "because of their relationship of employment," to read "in their inventions."
5559	6778	7	"we have" should be "you have" (twice
5560	6779	12	Paragraph ends with "customary."
5561	6779	12-13	Begin new paragraph with "Q. The TEA has". Change "a table of organization of the business that we shall discuss to read "its by-laws which we shall discuss briefly."
5562	6779	23	"the Farben enterprise." should be "the Vorstand of Farben."
5563	6780	7	Change "for approval." to "by the HEA
5564	6780	8	"or the larger" should be "and the larger"
5565	6780	9	"they were rejected" should be "could be rejected".
5566	6780	20	"lectures, etc." should be "lectures with statistical data."
5567	6780	25	Delete "moving".
5568	6780	31	Third word "work," should be "workers"
5569	6781	1	Second word "illustrated" should be "illustrative".
5570	6781	6	"to associates" should be "as associ-
5571	6781	13	Change "superior to some Sparte," to "overlapping several Sparten,".
5572	6781	14	Second word "was" should be "were"

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5573	6781	25	Insert "(Editor's Note: see lines 29-30 below);" after "1939".
5574	6781	27	First words "which might lead" should be "which led".
5574 a 5575	6782 6782	27 32	Change "were equalized by" to "in equilibrium with" and "into technical" should be "in the technical".
5576	6783	7	Change period to comma after "Committee". Change rest of line to read "at least not without the danger of".
5577	6783	8	Change "to be used by Dr. ter Meer" to read "of the Sports head".
5578	6785	3	"as against the" should be "with respect to the".
5579	6785	7	Insert "He worked on magnesium and introduced it in the industry." after "has retired.".
5580	6785	28	Change third word "company," to read "plant in question,"
5581	6786	5	"discussed all of the technical questions, etc." should be "discussed in detail all of the technical questions, calculations, etc."
5582	6786	15	Change first word "authorities" to "bodies".
5583	6786	26	Change first two words "report made" to read "lecture read".
5584	6786	28	Last two words "if possible," should be "I possibly"
5585	6786	29	Delete first word "I". Change "perhaps being built up," to read "in the course of construction,".
5586	6787	5-6	Change "which of course" to read "which according to the by-laws".
5587	6788	6	Last word "issuance" should be "issuing"
5588	6788	8	Change first two words "advertising matters" to "complaints".
5589	6788	17	"sub-commissions" should be "sub-committees".
5590	6788	18	Change "30 or 40 of these. The" to read "30 to 40 of these, including those of the".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5591	6789	16	Change first word "involved" to read "followed the trend of". Last word "phenoman" should be "phenomena".
5592	6790	19, 20, 21	"concerns" should be "phantasms, works".
5593	6790	22	"but the plants" should be "but the works".
5594	6790	29-31	Change from "to the organic" in line 29 through "synthetic" in line 31 to read "to the fields of organic chemistry which were closely related to the organic intermediates earlier produced only for dyestuffs and pharmaceuticals, that is synthetic".
5595	6791	1	Change "gum lacs," to "resins,".
5596	6791	8	Change "substitutes." to read "replacements."
5597	6791	14	"work making" should be "work creating"
5598	6791	24	Change first word "practicability." + "economic considerations."
5599	6793	27	Last word "member" should be "leader"
5600	6793	28	"of the Sparte" should be "of Sparte"
5601	6794	30	Change "of any importance" to read "of very fundamental importance".
5602	6797	26	Insert "of the outlined products" of "turnover".
5603	6799	4	Change period to comma after "formed" and continue sentence with "with".
5604	6799	5	Insert "calculated according to specific rules" after "gross profit"
5605	6800	2	"with Farben" should be "by Farben".
5606	6800	11	Insert "remained" after first word "(pro)vided".
5607	6800	30	"of course, served" should be "of course, also served".
5608	6801	4	Insert "(Editor's Note: See lines 13-14 below for proposed correction) after "most difficult".
5609	6803	1	Insert "Professor Hoerlein did not even speak to me about this matter before the outbreak of the war." "substances."

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5610	6806	18	"in Ethylene," should be "like Ethylene,".
5611	6807	1	"They had" should be "That had".
5612	6807	2	Insert "in the field of preliminary products" after "knowledge".
5613	6807	3	Last two words "the peace-time" should be "the before mentioned peace-time".
5614	6807	13,15	"Troisberg" should be "Troestberg",
5615	6807	14	First word "Berndorf" should be "Gendorf".
5616	6807	15	Insert "page 90 of" after second word "and".
5617	6807	17	"in making available" should be "to make available".
5618	6807	23	"finally the Buna" should be "finally at the Buna". Change period to comma after "Huels".
5619	6811	15	"was the member" should be "was a member".
5620	6811	23	"Mr. Gaylawski," should be "Mr. Gajowski,".
5621	6811	24	Last two words "the Dynamit" should be "the works of Dynamit".
5622	6812	6	"the other credit" should be "another credit".
5623	6812	8-10	Change from "Furthermore," in line 8 through "standby plants" in line 10 to read "Furthermore, the extension of munitions enterprises which were based on the experiences of the Dynamit Nobel A.G., and operated by them, these were mostly standby plants".
5624	6812	19	Delete "name of the" before last word "I.G.".
5625	6812	20	Insert comma and "I no longer remember the name," after "Plant X".
5626	6812	23	Place quotation marks after "Dynamit A.G." "that I did not" should be "that even I did not".
5627	6812	28	Change "the Montoron Plant and the other plant" to read "the Montan plant and the I.G. plant".

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Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5628	6814	3	First word "this." should be "these."
5629	6815	4	Change "increased" to "decreased".
5630	6815	23	Change line 23 to read "see that in 1937 for the first time the highest turnover of the period before Hitler's ascension to power was finally reached again with 1 billion".
5631	6815	24-25	Delete "This is the figure approximately approaching that figure before Hitler's ascension to power."
5632	6815	29	"in 1939." should be "in 1929."
5633	6815	30	Change "are the increased causing effect" to read "cause the increase".
5634	6816	1	Insert "five" before first word "new"
5635	6816	2	"1929" should be "1939".
5636	6817	5	"percent credit" should be "percent of the credits".
5637	6817	21	"short book" should be " short book ". the credit ."
5638	6817	24	Place comma and dash after "1927". Change "after the" to "then the".
5639	6818	3	Change "By reason of" to read "Hand in hand with".
5640	6818	4	Delete first word "and". Change "Als went hand in hand," to read "went along,".
5641	6819	6-11	Change lines 6 to 11 to read "that a plant of the chemical industry which has a certain depreciation which is accounted for in all these countries by practically the same percentage - that such a plant should reinvest the amount of the depreciation in the works every year through new plants, modernization, or improvements, unless it wants to exploit its capital. Especially in the chemical industry, the wear and tear of machinery is".
5642	6819	13	"If this results," should be "From this results".
5643	6819	14	Change "profit" to "amounts".
5644	6819	18	"cases of good" should be "cases good".

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Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5645	6819	20	Insert "elsewhere." after "with us but". Begin new sentence with "In America".
5646	6819	24	Delete "we were" after "1933".
5647	6819	25	Delete "and that"
5648	6819	25-26	Change "reorganization" to "renovation"
5649	6819	30	"1941" should be "1939".
5650	6820	5	Insert "in 1937 investments became too high." after first word "Nevertheless," Begin new sentence with "As my defense"
5651	6820	11	Insert "to find out" after "opportunity".
5652	6820	18	Last two words "from some" should be "of these".
5653	6821	10	Insert "for example, for dyestuffs" before "there would be more".
5654	6822	5	"such field" should be "such a field". "dye stuff" should be "dyestuffs".
5655	6822	9	Change "these things up." to "the work of Sparte II."
5656	6822	12	Insert "of which" after second word "products".
5657	6822	14	Change line 14 to read "of this case by the Prosecution of only about 20. We have been hearing always about Diglycol, powder".
5658	6822	19	"are again listed," should be "are listed,".
5659	6822	20	"very easily and as to" should be "very easily as to".
5660	6823	4	"extensive" should be "expensive".
5661	6823	9-10	Change "when they again slowly employed" to read "when we again slowly engaged".
5662	6823	10	Change last word "depleted," to "aged,"
5663	6823	12	Change last three words "through the war." to read "around the outbreak of the war."

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5664	6823	17-19	Change period to comma after "textile" in line 17 and change rest of line 17 as well as lines 18 and 19 to read "auxiliaries needed very often in connection with dyestuffs with the figure of 270 chemists, and then the experimental field of rubber and plastics which is of special importance in this period with 126 chemists, and then finally the organic".
5665	6823	20	"were approximately" should be "with approximately".
5666	6823	22	Last three words "with during the" should be "within Sparte II during the crucial".
5667	6823	23	Place period after first word "years" Delete "in question."
5668	6823	24	"1938," should be "1939,".
5669	6823	29	"which was the curves," should be "which shows the curves,".
5670	6823	30	Change end of line 30 beginning with "nitrogen," to read "nitrogen, rayon and specifically artificial fibres somewhat later, Buna still".
5671	6824	1	Delete comma and "of course," after "magnesium".
5672	6824	4	Change "other departments, which is" to read "of the Sparten, e.g. in".
5673	6828	21-22	"supplemental" should be "supplement
5674	6830	30	Change "and interfered" to "or whether he interfered".
5675	6831	12,13	"Auslandis" should be "Ausland".
5676	6831	16	"testified," should be "testifies,".
5677	6831	17	"a statement" should be "a long statement".
5678	6831 18	18	"then go ahead," should be "then let him go ahead."
5679	6832	13	Last word "manger" should be "manage
5680	6832	22	"contract" should be "contact".
5681	6832	32	"and confidence" should be "and have confidence".
5682	6833	8	Change "use the most" to "list the most".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5683	6835	31	"organized," should be "reorganized."
5684	6839	26	"a certain amount" should be "a certain number".
5685	6840	4	"that Austria" should be "that the Austrian".
5686	6841	2	"they you are" should be "then you are".
5687	6845	7	Add "since 1935" at end of line after "Pollak".
5688	6846	30	"what they were" should be "that the were".
5689	6847	1	Insert "whether" after third word "discuss".
5690	6849	22	"Raffellberger" should be "Raffel- berger".
5691	6851	11	Insert "attempted" after "Kr. Pfeif- fer".
5692	6852	30	"conflict." should be "contract."
5693	6855	1	"we are prepared" should be "we have prepared".
5694	6856	4	Delete "document which is part of our". "that is speaks" should be "that it speaks".
5695	6857	20	Change period to comma after "Book
5696	6858	23	"was not submitted" should be "was submitted".
5697	6858	24	"had been withdrawn" should be "was withdrawn".
5698	6859	21	"as it existed" should be "as exist Change last word "countries" to concerns".
5699	6859	22	Delete "concern".
5700	6863	6	Insert "2," after "Number".
5701	6863	17	Delete quotation marks after "unso-
5702	6863	23	"as other" should be "as in other". Place period and quotation marks after "countries". Delete "have it as well."
5703	6864	1	Delete quotation marks before "H

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Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5704	6884	8	Change "to give" to "to state".
5705	6886	22-23	"in inquire" should be "to inquire".
5706	6867	7	"heilooms" should be "heirlooms".
5707	6867	12	Place quotation marks at beginning of paragraph.
5708	6867	19	Place quotation marks after "Phillips" at end of paragraph.
5709	6867	21	Delete "1,".
5710	6869	3	"reported" should be "reporter".
5711	6875	29	Add "and" at end of line after "Creditanstalt,".
5712	6876	20	Place period and delete "was" after "Creditanstalt". Begin new sentence with "At that".
5713	6877	15	"presented" should be "prevented".
5714	6878	21	"as while" should be "as a while".
5715	6879	29	"we talked" should be "to talk".
5716	6879	30	"unless we had" should be "if we had".
5717	6880	19	"say so, but would indicate" should be "say this but indicate".
5718	6881	24	Place comma and insert "and the Creditanstalt" after "Creditanstalt".
5719	6886	6	Place comma after "protection". Change next word "secretly" to "secrecy measures,".
5720	6886	12	"These legislation" should be "This legislation".
5721	6886	25	"1937." should be "1927.".
5722	6886	27	"1936," should be "1926,".
5723	6887	13	"necessary by" should be "necessary but".
5724	6887	19	Delete quotation marks before "we should".
5725	6887	20	Delete quotation marks after "our hands.". Place quotation marks before "Government".
5726	6888	4	Last word "appropriations" should be "applications".
27	6889	12-13	"defense maneuvers." should be "planned exercises (Planspiele)."

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Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5728	6889	14,16,18	"mobilization games" should be "planned exercises".
5729	6890	5	"in 1931" should be "in January 1931". Add "at Hochst" at end of line after "protection".
5730	6891	1-2	"practice means" should be "planned exercises".
5731	6891	9	Place quotation marks before first word "Air-raid".
5732	6891	30	Second word "law" should be "regulation".
5733	6891	31	First word "regulation" should be "directivo". "enactment order" should be "enactment regulation".
5734	6892	13	Change line 13 to read "of the Supplement concerning Article I of the Second Enactment Regulation for Air Raid".
5735	6892	23	Last word "Hitler" should be "Hitler's".
5736	6893	1	Place quotation marks after "Prosecution."
5737	6893	2	Place comma after "paragraph 4".
5738	6893	4	Change "from many points" to "every point". Delete "it" after "Germany".
5739	6893	9	"states, already" should be "states that already".
5740	6893	10	Insert "and air armament." after "protection".
5741	6893	11	Change line 11 to read "France that many cases could only be decided by special order."
5742	6893	13	Insert the following sentence after "interesting": "Since some time special attention is paid to the question of air raid protection."
5743	6893	15	Place quotation marks after "last year".
5744	6893	27	Insert "as it can be seen from experience and therefore" after "enforced".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5745	6894	4, 7	Change "measures" to "exercises(Luft schutzuebungen)."
5746	6894	9	Change last word "land" to "planned".
5747	6894	20	"seen page 39" should be "seen on page 39".
5748	6894	22-25	Change from "that air" in line 22 through "This precaution" in line 25 to read as follows: that "air raid precaution planned exercises are to be carried out as a kind of tactical exercise which has been prepared on a large map of adequate dimensions drawn to scale and permits a survey. This map can thereby be replaced or supplement by a plant model." This precaution
5749	6896	5	Second word "no" should be "any".
5750	6897	3	Change "sales executions." to "occurrences."
5751	6897	7	Change "execution of the information system" to "institution of the Central Agency".
5752	6897	15	Change "about treason was possibly to be" to "about economic treason was to be".
5753	6897	15	Insert "retroactively" after first word "made". Place period after "circumstances" and delete next word "retroactive."
5754	6897	21	Change last word "secretly" to "cently".
5755	6897	26	Insert "much" after "change".
5756	6897	27	Change line 27 to read "office in Leverkusen even as Mr. Feubel did later, and they were only a few".
5757	6897	28	Insert "a month" after first word "days".
5758	6898	5	Insert "sent out to each square, and after "letters were". Delete comma after "Sparte II".
5759	6898	24	"economic matters." should be "criminal matters."

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Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5760	6898	28	Add "This is on page 48." after last words "secrete."
5761	6898	30	Change "firms of Farben." to read "firms which later merged into Farben."
5762	6899	26	Change "contracts" to "character".
5763	6899	28	Change first word "factories." to "armament plants."
5764	6899	29	Add "in the violation of the law of" after last word "treason."
5765	6900	12	Place comma and insert "Exhibit 66," after "Number 266".
5766	6900	19	Place period and insert "It is" after "Exhibit 66".
5767	6900	30	Change quotation marks to single quote before "Industrial" and after "Abroad"
5768	6900	31	"finish" should be "furnish".
5769	6901	4	Change quotation marks to single quote before "Secrecy".
5770	6901	5	Punctuation after "Wehrmacht Orders" should consist of single and double quotation marks.
5771	6901	21	Change "other industrial works;" to "power industry."
5772	6902	28	Change third word "May" to "July".
5773	6903	3-4	Change from "and not to have" in line 3 through line 4 to read "and we never turned over certain special secrets like the contact agents in our modern catalyst process."
5774	6903	8	Change "points" to "agents".
5775	6903	30	Change "other fuels" to "raw materials"
5776	6903	32	Insert "since we had general conscription in Germany," after "authorities".
5777	6904	7	Place comma after "products". "of aniline were" should be "aniline, etc., were".
5778	6904	9	Change "masters" to "craftsmen".
5779	6904	21	"capacity plants," should be "capacity of the plants."

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Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5780	6904	23	Change second word "Reich" to "Economic".
5781	6905	5	Insert "Belegungspläne means the production plans ordered by Dr. Ungewitter on the basis of the normal capacities of our plants." after "Reich Office." The following words "The Belegungspläne is," should be "The Belegungspläne are,"
5782	6905	6	"task" should be "tasks".
5783	6906	27	"The products" should be "Products".
5784	6906	30	"or any representative" should be "an a representative".
5785	6907	4	"armament plans," should be "armament plants,".
5786	6907	6-7	Delete as repetition "--and between the so-called vital and essential industries,".
5787	6907	11	Change first word "departments" to "regional agencies". Add "which were established in the offices of the provincial presidents (Oberpräsidenten)." at end of line after "Economics to complete sentence.
5788	6907	14	"Exhibit 193" should be "Exhibit 197".
5789	6907	15	Place quotation marks before "the mobilization".
5790	6907	16-17	"of the materials" should be "with the materials".
5791	6907	21	"production plants," should be "production plans,".
5792	6907	29-30	Change "concerns" to "arrives at".
5793	6908	5	Change "the normal productions" to read "only the normal production and indeed only the big products".
5794	6908	6	Delete "if normal production was included, then".
5795	6908	7	Change "it would" to "Production would
5796	6908	8	Change last word "concerning" to "in".
5797	6908	9	Delete comma after "plan".
5798	6908	13	Add "when discussing the dyestuffs plan" after last word "later".

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Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5799	6908	17	Delete comma after "plane".
5800	6908	22	Change "sphere of activity" to "secretariate".
5801	6908	25	Insert "of the plants." after "people".
5802	6909	21-23	Change from "Did you make" in line 21 through end of paragraph in line 23 to read as follows: "With respect to this document, which we submit in order to show what you knew without relying on files, and with respect to the Frankberg affidavit, do you wish to make any supplementations, or corrections?"
5803	6910	11	"if employees" should be "of employees"
5804	6910	14	Change "matters" to "measures".
5805	6910	15	"I stated with respect to documents" should be "I spoke further in respect to the documents".
5806	6910	16	First word "says" should be "said".
5807	6910	17	"rob plants" should be "rob plans". Change comma to period after "plans" and begin new sentence with "This year."
5808	6910	18	Change last three words "This gives a" to read as follows: I quote: "This sentence gives a
5809	6910	22	Delete quotation marks after "forces."
5810	6910	27	"It is now known" should be "It is not known".
5811	6910	30	Change "this measures for peace" to "the events after war broke out".
5812	6911	1	Change "had ceased to function. I" to read "was to cease production, as intended by the Berlin authorities. I, therefore".
5813	6911	6	"It is" should be "Is it".
5814	6911	7-8	Change from "who knows" in line 7 through end of paragraph in line 8 to read "who puts the figures in the questionnaires submitted to him and so on, or is it the person who as governing authority in Berlin made up the questionnaires and directed them?"

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Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5815	6911	10	Change "did not know the form" to read "had no detailed knowledge".
5816	6912	4	Insert "so that" before last word "because".
5817	6912	5	Insert "the" after second word "this".
5818	6912	6	"plans" should be "plan".
5819	6912	10	"plants in cooperations" should be "plans in cooperation"
5820	6912	12	Change "than I have," to "as before,".
5821	6913	11 ff.	"the Farben MOB plans" should be "the MOB plans for dyestuffs".
5822	6913	29	"because of the imported wool, etc. which would" should be "because of imported wool, etc. would".
5823	6914	1	"has come" should be "came".
5824	6914	7-8	Change "we therefore decided to" to "I therefore suggested to Dr. Struss to".
5825	6914	8	"He assigned" should be "I assigned".
5826	6914	14	Last two words "factory of" should be "factories of"
5827	6914	15	Second word "Loudenkusen" should be "Leverkusen".
5828	6914	16	Change "or Farben Mob plans." to read "or Mob plan for dyestuffs."
5829	6914	23	Place comma after "about".
5830	6914	24	"considers" should be "considered".
5831	6916	5	"page 19." should be "page 10."
5832	6916	24	Change "add 719," to "and 719,".
5833	6917	9	"what authorities" should be "that authorities".
5834	6917	20	Change "processing contracts." to "development orders."
5835	6917	29	"processing" should be "development".
5836	6918	2, 6	"processing" should be "development".
5837	6918	26	Second word "are" should be "were". Last word "contract" should be "contracts".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5838	6919	7	"has been" should be "has not been".
5839	6919	11	"Exhibit 335," should be "Exhibit 334,".
5840	6919	13-16	Change from "We, in concert," in line 13 through line 16 to read "We, in Kranzberg, were not clear about it, what occurrence was decisive. Was it the tasks to be turned over to the Vermittlungsstelle W with respect to the registration of patents abroad and with respect to licensing of know-how or was it the"
5841	6919	18	"to place them" should be "to place it".
5842	6919	19	Change "establish contact with the" to read "carry through the tasks of the IGB plans with the competent".
5843	6919	25	Last word "concert" should be "Kranzberg".
5844	6919	26	Place period after "involved". Change the rest of the line to read "Was this conversation the decisive date for the foundation of".
5845	6919	28-29	"of the foundation" should be "for the foundation".
5846	6919	29	Delete last word "my".
5847	6919	30	First word "organization" should be "mobilization".
5848	6920	8	Change last three words "habittto ontrust" to read "habit in such cases to entrust".
5849	6920	15	"future contracts," should be "foreign contracts,".
5850	6920	16	"in the plants, etc." should be "and plants,".
5851	6920	17	"be of us" should be "be of use". "He was after" should be "He was later"
5852	6920	19	Last words "mean the particular" should be "indicated particular".
5853	6920	20	Second word "of" should be "for".
5854	6920	25	Delete period after "that" and continue sentence with "for the first time".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5855	6922	12	Insert "Some representatives of" after "coordination." and continue the sentence with "this".
5856	6922	12-13	Change "had some representatives here" to read "have been here". Place comma after "witnesses".
5857	6923	14	Place dash after "agencies,"
5858	6923	14-15	"sub-commissions" should be "sub-committees".
5859	6923	16	Change line 16 to read "(production planned -- to check the practicability of all the MOB plans and to register all war".
5860	6924	24	"No. 376," should be "No. 276,".
5861	6925	14	"by the Reich" should be "for the Reich".
5862	6927	1	"Book II." should be "Book XI."
5863	6927	26	Delete "Reichsfachschaft, the". "Reich Association" should be "Reich Professional Association".
5864	6927	32	Delete "Exhibits".
5865	6928	1	"12, 13 and 14." should be "412, 413 and 414."
5866	6929	4	Delete second word "was".
5867	6929	22	"for speeding up" should be "to speed up".
5868	6929	26	"document is" should be "document in".
5869	6930	21	Change period to comma after "presentation".
5870	6932	3	Insert "of Dr. Krauch's direct examination," after "Count IV".
5871	6932	16	First three words "undertook, by using" should be "used".
5872	6933	23	"Document No. 52" should be "Document No. 53".
5873	6933	26	Change "This refers to" to read "I offer this as".
5874	6934	11	"Kraus" should be "Krauch".
5875	6934	12	"document" should be "documents".

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Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5876	6935	22	Place comma at end of line after "free".
5877	6935	23	Place comma after "politics".
5878	6935	28	Change "student," to "professor,".
5879	6937	1	"Number" should be "Number 16".
5880	6937	4	Place comma and insert "FI-1240," after "number 1417".
5881	6938	6	"mail pillars" should be "main pillars".
5882	6938	24	"on an international" should be "at an international".
5883	6940	30	"of Germany foreignant of" should be "by Germany offoreign raw".
5884	6941	2-5	Change from "trade" in line 2 through line 5 to read "trade balance which, in turn -- and the German obligations abroad -- produced a steady decline of the gold and foreign exchange stock in the Reichsbank."
5885	6941	13	Insert "and asbestos," after "rubber"
5886	6941	14-15	"in the production of tires and" should be "producing tires of".
5887	6942	4	"Exhibit 2, Document No. 4," should be "Exhibit 4, Document No. 2,".
5888	6942	30	Change period to comma after "question" and add "not with Dr. ter Meer." to complete sentence.
5889	6944	11	Change "one by Dr. Konrad," to "sworn by Dr. Konrad,".
5890	6944	19	Insert "between the government and I.G." after first word "(negotiations"
5891	6944	21	"Lagge" should be "Lange".
5892	6944	25	"appear" should be "appeared".
5893	6944	29	"Treunhand, Gesellschaft," should be "Treuhand Aktiengesellschaft,"
5894	6944	30	Place comma after "vits".
5895	6945	14	Place quotation marks before "Finally"
5896	6945	20	Change second word "with" to "of".

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Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5897	6946	22	Insert "aim" after "final".
5898	6946	25	Delete last word "has".
5899	6946	27	"is too considerable" should be "was too considerable". Delete "be" after "hardly".
5900	6947	14	Place period after "involved". Begin new sentence with "In connection".
5901	6947	15	Change period to comma after "plants". Change following words "The question has arisen" to "questions have arisen".
5902	6947	17	Change line 17 to read "For that reason, I offer my next document 202, and ask that it be given exhibit No. 142."
5903	6949	26	Change second word "with" to "as".
5904	6950	11	Change "started" to "introduced".
5905	6950	23	Insert "that" before "a quarter".
5906	6951	1	Delete "which were".
5907	6951	7	"to Buna" should be "to a Buna".
5908	6952	6	Place period after "Office" and delete "Wirye".
5909	6952	15	Change "Hoechst;" to "Huels;".
5910	6954	4	"I have permitted" should be "I permitted".
5911	6954	7	Place period after "Ludwigshefen" and delete "and Schkonau".
5912	6954	28	Change third word "development" to "processing side".
5913	6954	29	Change "developing that product" to "processing that product".
5914	6955	3	Insert "in 1906" after "Buna".
5915	6955	4-5	Change "considerable results in the processing of the substance." to read "considerable scientific results in the research."
5916	6955	9	"that a scarcity" should be "lest a scarcity".
5917	6955	15	Change "continued it up to the time of the crises in(volving)" to read "continued them up to the time of the economic crisis in(volving)".
5918	6955	17	Change last word "paper" to "lecture".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5919	6955	18	Change "read" to "gave".
5920	6955	29	"1928 to 1929" should be "1928, 1929, 1930."
5921	6957	20	Change "have him examined" to "begin with the cross-examination".
5922	6959	17	Change "That, forms, was 100 %." to read "That was for us 100 %."
5923	6959	21	Insert "by" after second word "just".
5924	6959	27	Delete "to" after "reporter".
5925	6960	15	"give short" should be "give a short".
5926	6961	3	"explanation" should be "explanations"
5927	6961	11	Last word "nay" should be "any".
5928	6961	12	"to see a" should be "to see it given a".
5929	6961	30	"maintain the face" should be "maintain in the face".
5930	6962	24	Change comma to dash after "Skoda-Wetzler".
5931	6964	5	"NI-10996?" should be "NI-10997?".
5932	6964	20	Place comma after "Vienna".
5933	6966	5	Change "do that." to "so answer."
5934	6966	23	Delete "however,".
5935	6967	29	"is alone speaking volumes." should be "alone spoke volumes."
5936	6969	2	Change "I will not let it go in." to "Then I will allow it."
5937	6969	7	"Only to" should be "Only for".
5938	6969	8	"was an exception." should be "was there an exception."
5939	6969	15	"these are" should be "there are".
5940	6970	15	"the Vice-President of the corporation intervening" should be "the intervention of the Vice-President of the corporation"
5941	6975	19	Delete "he" before "will so indicate,"
5942	6976	14	Change first word "are" to "were".
5943	6977	19	Place comma after "incidentally" and delete last word "which".
5944	6977	20	Change first two words "befall them" to "their fate".
5945	6977	23	"persons on" should be "persons or".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5946	6981	3	Delete "also" after "defendants".
5947	6982	8	"we aviod" should be "we are to avoid".
5948	6983	29	"mose Defense" should be "most Defense"
5949	6985	22	"always has" should be "must always hav
5950	6986	3	"procedures which" should be "procedure in which".
5951	6987	4	"said that" should be "said so that".
5952	6988	33	"rubber tires," should be "rubber,".
5953	6989	2	Last words "the end of the" should be "the lessening of the".
5954	6989	9, 11	Change "Plenipotentiary" to "Commission
5955	6989	24	Change last word "rubber." to "buna."
5956	6989	30	"technical interest." should be "technical and commercial interest."
5957	6990	13	"Plenipotentiary" should be "Commissioner".
5958	6990	16	"to eliminat employment." should be "to eliminate unemployment."
5959	6991	8	Change "did not think" to "did not realize".
5960	6991	9	"that is the full" should be "and the full".
5961	6991	10	Insert "then employed in part-time work," after "workers".
5962	6991	13	Place comma after second word "food". Change "and that as a result a" to read "tobacco, coffee in Germany and that automatically a much".
5963	6991	16	"1933," should be "1934,".
5964	6991	17-18	Change "the intended to heard" to read "aim of saving".
5965	6991	19-20	Change "Exhibit 1934" to "Exhibit 334". Change "English pages 112 and 113, and English pages 126," to read "German pages 112 and 113, and English page 126
5966	6991	28	"the OKW is discussing" should be "the OKW discussed".
5967	6991	29	"confirm" should be "confirmed".

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Item Transcript No.	page	Line(s)	PROPOSED CORRECTION
5968	6992	2	Insert "of the government" after third word "motives".
5969	6992	4	Insert "on a large scale" after first word "(production)".
5970	6992	20	Change semi-colon to comma after "Schach"; "of Reich Minister" should be "as Reich Minister".
5971	6992	21	Place comma after second word "Economics"; Delete next word "he".
5972	6993	18	Delete "No, it is ter Meer 187."
5973	6993	19	Change line 19 to read "Q. Book 4, Page 50."
5974	6993	27	"scrape material" should be "scrap material".
5975	6993	29	"cannot hop" should be "cannot hope".
5976	6994	4	Delete quotation marks after "Gunmiwerke".
5977	6994	29	Delete quotation marks after "Farben".
5978	6996	4	"As I started," should be "As I stated,".
5979	6996	11	"to supply" should be "of supply".
5980	6996	18	"automobile" should be "automobiles".
5981	6997	12	Second word "quote" should be "quota".
5982	6997	15	"Exhibit 210," should be "Exhibit 120,".
5983	6997	16	"manufactures" should be "manufacturers"; Place comma after "Germany" and insert "Freudenberg. In this affidavit it is shown extensively that the foreign currency situation of Germany" after same word "Germany".
5984	6997	21	"to make do" should be "to be satisfied"; Change comma to period after "per year"; Begin new sentence with "The demand".
5985	6997	22	Insert "of hides" after "import".
5986	6997	24	Change "stock of 100 pairs" to "demand of 100 million RM".
5987	6997	26	Insert "and" after first word "field".
5988	6998	4	Insert "an economically sound basis for" before "the production".

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Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
5989	6998	5	Change "helpful on any large scale." to "established in the long run."
5990	6998	12	Change last word, "estimated," to "demonstrated,".
5991	6998	16	Insert "Reich's" after third word "the".
5992	6998	17	Change "1935:" to "1935 through 1938:"
5993	6998	18	Delete quotation marks before "Natural"
5994	6998	22	Delete quotation marks before "A steep"
5995	6998	23	"in the year of 1937 went up" should be "in the years of 1937 and 1938 went up".
5996	6998	25	Delete quotation marks before "The Hen"
5997	6998	27	"and extremely" should be "was extreme"
5998	6999	4	Change "had processed over 45 per cent" to "had bought over 40 per cent".
5999	6999	14	"150,000 tons," should be "125,000 ton"
6000	6999	15	"figure in" should be "figure is".
6001	6999	18	Change second word "wool," to "cotton,"
6002	7000	7	Insert "a demand of" after "expect".
6003	7000	8	Delete period after "year" and add "or natural rubber replaced by Buna." to complete the sentence.
6004	7000	10	Change "something" to "facilitien".
6005	7000	17	Change last word "tire" to "entire".
6006	7000	21	"27,000 tons." should be "25,000 tons."
6007	7000	28	Change "this year" to "today did".
6008	7001	5	Change last three words "capacity for production." to "deeds."
6009	7001	9	Change "to gain" to read "to avail ourselves of".
6010	7001	12	Change "been completed" to "started production".
6011	7001	16	"plans amounting to 400,000 tons" should be "plans each amounting to 24,000 ton"
6012	7001	17	"600,000 tons." should be "95,000 tons."

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Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
6013	7001	19	"NI-1106" should be "NI-11106".
6014	7001	23	Place quotation marks before last word "let's".
6015	7001	25	"Farben refers therefore to" should be "Farben spoke therefore about".
6016	7001	30	Change "8th" to "21 June".
6017	7002	13	Insert "and gasoline," after "synthesis".
6018	7002	16	Change "the acceptance of large scale order for production" to "the undertaking of large scale manufacture".
6019	7002	19	Change "Both, however, was not the case" to "Neither was the case."
6020	7002	22	Change first two words "sales statistic" to "market analyses".
6021	7002	23-24	Change from "production process," in line 23 through line 24 to read "production in comparison with natural rubber was bearable for all rubber articles. I would like to point out that naturally at the start of an important and new process, as in the case with buna, it is impossible to arrive at the cheapest cost price in the first or second year. This can be".
6022	7002	29	"amount of" should be "amount to".
6023	7003	2	"2 mark 30." should be "2 marks."
6024	7003	5	Change first word "accounting" to "depreciation".
6025	7003	7	"amontized," should be "amortized,".
6026	7003	8-9	Change "calculated a price which went down to" to read "might come down to a cost price between".
6027	7003	12-16	Change from "have far" in line 12 through line 16 to read "have more than double of the production cost in Canada or the United States or Argentina. Other countries too protect new industries by high tariffs. Import duties for dyestuffs, for instance, introduced in the United States in order to protect the young dyestuffs industry were in the amount of 200 per cent to later be decreased to 100 per cent."

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Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
6028	7004	13	Change "process of raw rubber in the" to "processing of raw rubber into the"
6029	7004	17-18	Change "finished price was" to "sale price of which was".
6030	7004	18	Change period to comma after "1940" and continue sentence with "this would mean" in next line.
6031	7004	21	Change comma to period after "miles". Delete next word "and" and begin new sentence with "This applies".
6032	7004	25	"that a number" should be "that there are a number".
6033	7004	26	Delete third word "are".
6034	7005	3	Add "in" after last word "and".
6035	7005	6	Delete "of" after "points" and insert in its place "which is considered as".
6036	7005	8	"1920's" should be "1930's".
6037	7005	10	First word "marked" should be "market".
6038	7006	24	"200,000" should be "200".
6039	7006	25	"1926," should be "1936,".
6040	7006	26	"1927" should be "1937."
6041	7007	1	"Czeimatis," should be "Czimatis," with quotation marks around it.
6042	7007	2	Place quotation marks before "opened".
6043	7007	7	Place quotation marks after "per Year.
6044	7007	20	"we are informed" should be "we were informed".
6045	7007	27	Last two words "speak of" should be "speak already of".
6046	7009	23	"1930," should be "1940,".
6047	7009	30	Last word "constructed?" should be "extended ?"
6048	7010	5	Insert "up" after "30,000".
6049	7011	30	"50,000" should be "100 %".
6050	7011	31	Change "was given" to "was announced".
6051	7012	31	"certainly now" should be "certainly not".

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Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
6052	7016	21	Insert "I saw that" after "America,".
6053	7017	14	"2000" should be "200".
6054	7017	20	Place comma after "Besides,".
6055	7018	32	"speeding" should be "speedy".
6056	7019	9-10	Change "occasion" to "reason".
6057	7019	28	Change "question" to "paragraph".
6058	7021	13	"and 1337" should be "to 1337".
6059	7022	9	Delete last two words "do not".
6060	7022	15	Delete "if" after "I don't know".
6061	7022	20	Insert "if something like that happens again," after third word "and". Delete "(?)".
6062	7023	10	Change first word "Amt" to "Office".
6063	7023	15	"as a deployment area." should be "was a military deployment area."
6064	7023	16	"I have brought" should be "I brought".
6065	7023	21	"letters" should be "letter".
6066	7023	24	Delete "that" after "needs".
6067	7023	26	"same as of Dr." should be "same as that of State Secretary Dr".
6068	7024	2	Change "chose the location" to "to chose instead of Puerstemberg the location".
6069	7024	7	Insert "at Huelz," after "buna plant".
6070	7024	8	Delete "being" before "considered".
6071	7024	11	"had to find" should be "found".
6072	7024	14	Delete "have" before "investigated".
6073	7025	6	"to hundred" should be "to a hundred".
6074	7025	8	First word "How" should be "however".
6075	7025	22	Insert "these matters" before last word "expressly".
6076	7025	25	Insert "no doubt" after "He had".
6077	7025	27	"have succeeded" should be "had succeeded".

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Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
6078	7026	28	"75,000" should be "70,000".
6079	7027	1	Second word "any" should be "the".
6080	7027	2	Insert "still" before "had to be".
6081	7027	6-7	Change lines 6-7 to read "through buns, when this chart is concerned with essential military articles?"
6082	7027	17	"which also has to be added as a demand," should be "which also has to be added as part of the demand."
6083	7027	19	"70,---" should be "70,000".
6084	7027	22	Last two words "when the" should be "when at the".
6085	7028	2	Insert "for" before "additional".
6086	7028	4	Insert "Commission on 17 January 1941, a contract was signed with France according to which" after "Armistice".
6087	7028	6	"77,800" should be "7,800".
6088	7028	8	Insert "could" after "1941".
6089	7028	9	Delete "could" after third word "demand".
6090	7029	4	Change "Tergot" to "larger".
6091	7029	23	Delete "as" before "Document 229,".
6092	7031	7	"its applied us" should be "it could supply us".
6093	7031	18	Delete "one had" after "since".
6094	7031	23	Change second word "only" to "but".
6095	7032	11	Insert "the" after first word "under". Delete "that" before "Dr. Ambros".
6096	7037	13	"One hundred twenty-seven" should be "Document 127".
6097	7037	17	"It is being stated" should be "It is stated".
6098	7040	8	"There had been" should be "There has been".
6099	7040	30	"agreement" should be "agreements".
6100	7041	7	Change period to semi-colon after "yesterday". Continue sentence with "agreements".

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Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
6101	7041 ff.	13 ff.	"Yasco" should be "Jasco".
6102	7041	18	Insert "the" before "oil field,".
6103	7041	28	"so important" should be "some important".
6104	7042	3	Last words "has been" should be "was".
6105	7042	4	First word "continued" should be "continued".
6106	7042	5	Insert "the" before "following".
6107	7042	6	First words "have been" should be "were".
6108	7043	6	Delete "simply".
6109	7043	12	Delete comma after "world".
6110	7043	15	Delete second word "the".
6111	7043	30	Delete comma after "chemistry".
6112	7043	31	Change last word "in" to "and".
6113	7043	32	Change "until" to "up to".
6114	7044	3	Change last word "besides" to "with".
6115	7044	17	Place comma after "information".
6116	7045	2, 4	Change "transfer" to "convert".
6117	7045	3	"matter." should be "manner".
6118	7045	7-8	"has an extensive" should be "was an expensive".
6119	7045	12	"indicates that there" should be "indicate that they".
6120	7045	18	Last three words "has only been" should be "was only".
6121	7045	20	"has been" should be "was".
6122	7045	21	Change "accusation" to "Prosecution".
6123	7046	2	Change period to comma after "1935".
6124	7046	8	"have come to an end," should be "did not come to an end".
6125	7046	12	"have seen" should be "saw".
6126	7047	14	"all intermediates as butylene," should be "the intermediate iso-butylene,".

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Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
6127	7047	15	"or rubber-like content," should be "of rubber-like conduct,".
6128	7047 ff. 30 ff.		"Yasco" should be "Jasco".
6129	8048	4	Change second word "brought" to "started".
6130	7048	17	Insert "thus these existed," after first word "and".
6131	7048	18	Delete third word "through".
6132	7048	20	Change comma to period after "New Jersey". Begin new sentence with "The first".
6133	7048	21	"has been made" should be "was made".
6134	7048	24	"has been sent" should be "was sent".
6135	7049	18	Change "prices," to "crisis,".
6136	7049	21	"has been reached." should be "was reached."
6137	7049	30	Insert "years of the" after "first".
6138	7050	6	"has often been" should be "was often".
6139	7050	7	"we have talked" should be "we talked".
6140	7050	18	Insert "there was" before "a problem".
6141	7050	24	Last word "being" should be "I was".
6142	7051	11	"that we started" should be "when we started".
6143	7051	19	"of the Phillips" should be "by the Phillips".
6144	7052	1	"has been discontinued" should be "was discontinued".
6145	7052	3	Change "re-action" to "experiments".
6146	7052	7	Place comma after "Big Four".
6147	7052	13	Change last two words "has been" to "was".
6148	7052	17	First word "Is" should be "It is".
6149	7052	31	Change "along by a visit which had" to "through a visit".
6150	7053	4	First word "Now," should be "No.".

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Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
6151	7053	27	Change last word "field" to "thing".
6152	7054	5	Change "in Neoprene and raw materials" to "of the Neoprene process because its raw materials".
6153	7054	5	Change "bring that in" to "bring in Buna".
6154	7054	8	Insert "I" before "started".
6155	7054	9	"had been related" should be "have been related".
6156	7054	22	Last word "possibly" should be "was possibly".
6157	7054	26	"offer the advantage of natural" should be "offer an advantage over natural".
6158	7054	30	"has been the case always in Germany," should be "has ever been the case in Germany,".
6159	7055	3	Delete "and also DuPont's were not very much interested."
6160	7055	4	First word "Lamont" should be "Lameth".
6161	7055	21	"having such owner of processes" should be "to have the owner of the processes".
6162	7055	21	"having developed" should be "to develop".
6163	7055	12	Delete "being" after "were used".
6164	7055	17	"has been written" should be "was written".
6165	7055	18	"had been submitted" should be "was submitted".
6166	7055	20	Delete "to Germany".
6167	7055	21	"his induced" should be "This induced".
6168	7055	31	"pleased to" should be "pleased too".
6169	7056	4	Add "was" at end of line after "matter".
6170	7056	6	First two words "to see" should be "I saw".
6171	7056	22	Place quotation marks after "decompose".
6172	7056	25	Place quotation marks before "The favorable".
6173	7056	30	Place comma after "Frolich". Delete next word "and".

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Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
6174	7058	5	"Germany" should be "German".
6175	7058	14	Insert "a" after "investment of".
6176	7058	15	Second word "plants" should be "plant".
6177	7058	16	"that even" should be "which is even".
6178	7058	17	Delete comma after "lost" and also next word "and".
6179	7058	18	Delete comma after "air" and change rest of line to read "and which had to and would come along one day."
6180	7058	19	Delete first word "and". Begin new sentence with "After all".
6181	7058	25	"chemical chemical" should be "numerical chemical".
6182	7058	27	"the one is what I mentioned before-hand, should be "the one I mentioned before."
6183	7058	31	Change comma to period after first word "(pro)cess". Delete next word "and" and begin new sentence with "Secondly, "that I made" should be "that I had in Germany,".
6184	7058	32	Delete "now" after "product".
6185	7059	1	"manufactures" should be "manufactured" (both times).
6186	7059	4	"rubber plants" should be "rubber brands".
6187	7059	8	"they are" should be "there are".
6188	7059	8	"which related" should be "which relate".
6189	7060	5	Insert "quantity" after third word "certain". Last two words "were sent" should be "was sent".
6190	7060	6	"in which it is referred to" should be "in which is referred".
6191	7060	26	First word "(men)tioned" should be "(men)tions".
6192	7060	28	"length period" should be "lengthy period".
6193	7061	11	Change "agencies" to "Reich authorities".
6194	7062	4	Change first word "taken" to "made".
6195	7062	7	"any need" should be "no need".
6196	7062	22	"here where the market" should be "years when the market".

Item No.	Transcript page	Line(s)	PROPOSED CORRECTION:
6197	7063	1-2	Change line 1, and line 2 through "General Tire", to read "Exhibit 178, an Affidavit by Dr. Stoecklin, concerns discussions with Standard Oil on Buna-N experiments for tires by General Tire".
6198	7063	7	Change last word "entire" to "tire".
6199	7063	16	"stored" should be "sold".
6200	7064	23	"interests" should be "interest".
6201	7065	1	Insert "did" after "no time".
6202	7065	2	First word "(men)tioned" should be "(men)tion".
6203	7065	5	"never a serious proposal has been made" should be "never was a serious proposal made".
6204	7065	12	Last two words "raised to" should be "risen to".
6205	7065	16	"private plant" should be "pilot plant".
6206	7066	23	Place quotation marks after "imports."
6207	7067	9	"possible" should be "possibly".
6208	7069	24	First word "(be)fore" should be "(be)-fore,".
6209	7072	29	"having aux" should be "having any".
6210	7074	12	"Americas." should be "America."
6211	7075	24	"their documents" should be "three documents".
6212	7076	13	"These follows" should be "There follows".
6213	7077	6	Change comma to period after "atebrino". Begin new sentence with "Even".
6214	7077	28	"charge of" should be "charge that".
6215	7080	20	Last word "they" should be "the".
6216	7081	9	"of International" should be "of the International".
6217	7081	8	Insert "that" before "the United States".
6218	7082	10	Change "private plant" to "pilot plant".
6219	7082	11	Third word "tons" should be "pounds".
6220	7082	24	"has arisen" should be "had arisen".

item No.	Transcript page	Line(s)	PROPOSED CORRECTION
6221	7082	29	"plants of Oppau" should be "plant of Schkopau".
6222	7083	2	Delete "show".
6223	7083	22	Delete first word "as".
6224	7083	27	"all raw material," should be "oil raw material,".
6225	7084	5	Change "an information of" to read "to communicate with".
6226	7084	14	Delete last two words "quite well".
6227	7084	15	Delete first two words "coming from". Change "Mr. Thomas" to "Colonel Thomas". Insert "quite well," after "personality".
6228	7085	7	"partly" should be "party".
6229	7085	13-14	Change "commercial development" to "chemical department".
6230	7085	19	"yearly" should be "early".
6231	7085	28	Change "interest," to "negotiations."
6232	7086	7-8	Change "for the purpose that a question of a certain seriousness being" to read "became the serious question which was".
6233	7086	21	"They certainly" should be "I certainly".
6234	7087	12	Last word "know" should be "knew".
6235	7087	13	"Col. Loeg" should be "Col. Loeb".
6236	7087	24	Change "working about" to "in".
6237	7087	26-27	"would come" should be "came".
6238	7088	22	Change question mark to period after "tires".
6239	7089	24	"two exhibit" should be "two exhibits".
6240	7089	28	"confirms" should be "confirm".
6241	7090	8	Second word "leese" should be "least".
6242	7090	21	Delete first word "just". Insert "which is" after "something".
6243	7090	30	Delete "certain things," and complete the sentence with "for styrene and auxiliary materials reasonable cost prices obtainable in this country (ethylene at 3 cents per pound)."

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Item No.	Transcript page	Line(s)	PROPOSED CORRECTION
6244	7091	1	Begin new sentence with first word "Assuming".
6245	7091	3	Insert "in" after "rubber price".
6245	7091	13	"of site" should be "for site".
6248	7091	14	Insert "for general services, power, steam, water, etc. Including such facilities" after first word "(faci)-lities".
6248	7091	21	Change "cost" to "course".
6249	7092	2	Change last three words "of an importance to "with a capacity of"
6250	7092	4	Second word "the" should be "a".
6251	7092	10	"was not" should be "were not".
6252	7092	11-12	Change "by which a produce is manufactur ed" to "in a product". Add "for" after last word "product" in line 12.
6253	7092	13	Change "is somewhat difficult to bring around" to "there are also difficulties"

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
6254	7092	14	Change "also, through" to "because of".
6255	"	20	Change "in pounds" to "a production".
6255	7093	5	"to have in mind" should be "who have in mind".
6257	"	14	"to ask" should be "to question".
6258	"	31	Change "rubber boots manufacture" to "rubber goods".
6259	7094	13	"invite" should be "inviting".
6260	"	20	Delete "to be taken". "I am" should be "I was".
6261	"	21	"would be" should be "would not be".
6262	"	30	Place dash after last word "here".
6263	"	31	Delete "22" and quotation marks after it at beginning of line.
6264	7095	3	"non profit" should be "net profit".
6265	"	11	"of better" should be "or better".
6266	"	20	"favorable" should be "favorably".
6267	7096	1	"there is" should be "where is".
6268	7097	3	Insert "visited the pilot plant" after "Standard". "in Oppau" should be "at Oppau".
6269	"	10	"informations" should be "information".
6270	"	11	"have been given" should be "were given".
6271	7098	1	Third word "his" should be "its".
6272	"	5	Delete quotation marks at end of line.
6273	"	6	Delete quotation marks before "Dr. ter Meer".
6274	"	19-20	Delete "to make road tests,". Also delete "to make tires of Buna and".
6275	"	31	"had been done" should be "was done".
6276	7099	2	Second word "tire" should be "trial". Place comma after "America". Insert "that we planned" after "we show".
6277	"	10	"heard Mr. Koch" should be "heard from Mr. Koch".
6278	"	23	"I have written" should be "I wrote".
6279	7100	13	"I had not to go" should be "I could not go".

Item No	Transcript Page	Line (s)	PROPOSED CORRECTION
6280	7100	22	Delete "has" (both times).
6281	7102	12	"we have hear" should be "we have here".
6282	7103	4	"has not been a" should be "was no".
6283	"	5	Change "a number" to "any".
6284	"	6	Change second word "something" to "any-thing". "I have seen" should be "I saw".
6285	"	19	"only the thought of it came up with me" should be "did the thought come to me".
6286	"	23	"I could have" should be "I would have".
6287	7104	16	"our firm." should be "firms abroad."
6288	"	26	Insert "is" before last two words "an entire".
6289	7105	9	Place comma after "Dupont" and delete next word "had".
6290	"	17	"Dr. Siemlie" should be "Dr. Zimmerli".
6291	"	23	Last word "what" should be "which".
6292	7106	18	Insert "in" after "conducted".
6293	7107	3	"branch" should be "brands".
6294	"	29	"1939," should be "1938,".
6295	"	30	Delete "and" after "1939".
6296	7108	11	"he has been" should be "he had been". "from my" should be "of my".
6297	"	16	Insert "only" after "It was not".
6298	"	24	Change comma to semi-colon after "1938". Place comma after last word "Dupont".
6299	7109	23	"227" should be "226".
6300	7110	15	Change "but the last one" to "before the last one".
6301	"	16	Insert "types" after "distinct".
6302	"	25	Third word "passager" should be "passenger".
6303	7111	14	Add "the" at end of line after "since".
6304	"	21-23	Change "has been made" to "was made".
6305	7113	30	"delaying" should be "delaying".
6306	7114	2-4	Change entire paragraph to read "All that could be imagined of these plans might have made themselves felt on us in some cases, through the action of the authorities who were concerned with the realization, let's

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
6306	7114(cont'd)	2-4(cont'd)	say the Reichsamt. But we never had the plans in our hands, of course."
6307	7115	18	Change "said" to "gave".
6308	"	27	Insert "the nitric acid used in" before "the entire powder".
6309	7116	5	"that affects" should be "but affects".
6310	"	20	Insert "goods" after "peacetime".
	"	24	Insert "the" before "the other".
6311	"	24	"was not great" should be "was especially great".
6312	"	25	"there war" should be "when there was".
6313	"	28	"or such other phenomena - " should be "or when such other phenomena occurred".
6314	"	30	"the middle" should be "in the middle".
6315	7117	6	"of the clearing" should be "if the clearing".
6316	"	7	Insert "but" before "I think".
6317	"	16	Change "when the Herman Goering Werke set up" to read "in the creation of".
6318	"	17	Insert "which was accomplished later by the German Goering Works." after "Germany".
6319	"	20	"when new plants" should be "when these, new plants".
6320	"	21	"products" should be "product". Insert "Ruhr" before last word "industry".
6321	"	27	Change "itself, and Tropsch" to read "to the Fisch-Tropsch".
6322	7118	3	"facilities," should be "facilities".
6323	"	12	Place period after last word "Goering".
6324	"	13	Begin new sentence with "Besides".
6325	"	20	"in Poland" should be "with Poland".
6326	7119	15	Change "the organization" to "of the preparation".
6327	7120	9	"by Dynamit" should be "of Dynamit".
6328	"	14	"where bombing" should be "when bombing".
6329	"	16	Change "by the fact" to "in the sense".
6330	"	24	Change last word "thinkers." to read "and clear thinking men."

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Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
6331	7120	31	Place comma after "experiences".
6332	7121	1	Insert "in" after first word "concluded".
6333	"	2	"gegen" should be "begen".
6334	"	4	"Mr. Canshaw (Phon.)" should be "Mr. Cronshaw".
6335	"	21	Add "plant" at end of line after "Hoechst".
6336	"	26	"do" should be "go".
6337	"	29	"Kuehlmann's," should be "Kuhlmann's in France,".
6338	7122	17	"45 and 50" should be "45 to 50"
6339	7126	16	Insert "We had no interest in losing our participations in manufacturing firms abroad." after second word "later."
6340	7128	2	Change "occasion" to "reason".
6341	"	7	"personal questions?" should be "personnel questions?"
6342	"	16	Change period to comma after "years". Continue sentence with "when".
6343	"	17	Insert "that is" before "in 1926". Place period after "1926".
6344	"	18	Begin new sentence with "At that time, labor questions".
6345	7128	19	Insert "at the same time" before "heads employers".
6346	7129	7	Change period to semi-colon after "Tea". Insert the following sentences after "Tea" and before "but as long as":

so the charts produced by the Prosecution concerning the various categories of German workers, foreign workers, prisoners of war, etc. Those belonged to the material on which Dr. Struss reported regularly and quite specifically in connection with the new installations, because from the progress of new installations resulted the quicker or slower expenditure for such installations, and our financial department wanted to know about that exactly, of course.

Q. Can you tell me the approximate date when in most parts of Germany unemployment came to an end?

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
6346	7129(cont'd) 7(cont'd)		<p>A. One can say that in most parts of Germany unemployment came to an end in 1938.</p> <p>Q. Were laws issued at that time which regulated working conditions and especially the assignment of labor?</p> <p>A. Yes. The assignment of labor had fundamentally already been regulated by the so-called labor offices, through which labor was assigned to the firms.</p>
6347	7129	16-17	Delete "conscripted".
6348	"	17	Insert "of the building trade," after third word "workers".
6349	7133	14	Insert "but to my knowledge there was" after second word "same".
6350	7134	1	Change "camp." to "works."
6351	"	6	"Dr. Wittmar" should be "Dr. Wittwer".
6352	7136	4	"participege" should be "participate".
6353	"	9	<p>Insert the following answer after line 9:</p> <p>A. No. Before that time I do not remember any conference with the authorities.</p>
6354	7137	22	"Targi" should be "Tarehi".
6355	"	31	Insert "forcibly." after "laborers".
6356	7138	19	"ig" plants." should be "Schutzbetriebe".
6357	7141	5	"rapid process," should be "Reppo process,".
6358	"	10	Insert "and where the various workshops, laboratories, etc., could be used." after "products".
6359	7142	14	<p>"Exhibit 1404" should be "Exhibit 1408".</p> <p>Delete "(1408 Reviewer)".</p>
6360	"	19	Place quotation marks after "Ministry".
6361	"	20	Place quotation marks before "on 2 November".
6362	"	23	Place quotation marks after "per year".
6363	"	24	Place quotation marks, before "Secondly,".

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Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
6364	7144	4-5	Change "Since the city of Auschwitz had been eliminated," to read "after Auschwitz had been suggested."
6365	"	5	Insert "was asked and" after "authority".
6366	7146	3	Change "Administration." to "Central Bookkeeping Department."
6367	"	6	"would not now adopt" should be "would now abandon".
6368	"	7	Place quotation marks after first word "examinations." Also before last word "Auschwitz".
6369	"	15-16	Change from "document" in line 15 through line 16 to read as follows: document. Furthermore, the memorandum reads: "it will be necessary to carry out there a settlement policy to a greater extent in order to house German workers at Auschwitz."
6370	"	18	Insert "I am sorry. I mean Exhibit 1413." after "German."
6371	"	24	Change "than was necessary in other plants." to read "than in other industrial districts."
6372	7147	12	Add "It is KI-5782." after last word "today."
6373	"	19	"page 89" should be "page 94".
6374	7148	26	Place quotation marks after "conferences."
6375	7149	3	Delete quotation marks before "I still".
6376	"	9	Delete quotation marks after "February".
6377	"	12	Place comma and insert "page 71" after "Book 72".
6378	7151	7	"temporarily" should be "temporary".
6379	"	10	Delete "outside".
6380	7152	25	"I had gained" should be "I gained".
6381	"	28-29	"a network extensive" should be "an extensive network".
6382	7153	16	"open new" should be "open a new".
6383	7155	18	"They have got" should be "They got".
6384	7156	22	"and hour," should be "an hour."

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
6385	7156	28-31	Change from "buildings in line 28 through line 31 to read "buildings were progressing rapidly. The machine and boiler houses, and the installation of boilers and containers had been started. During the first visit, only building firms not belonging to Farben were leveling the ground, laying tracks, etc., but during the second visit there were building contractors, installation and electrical".
6386	7157	1	Insert "probably in certain fields" after second word "and".
6387	"	9	Change second word "installments," to "installations".
6388	"	29	"were being" should be "be".
6389	7158	15	Insert "Mr. Hoess, about the concentration camp inmates " after "concentration camp,".
6390	"	18	Change "in a change about" to "namely the question of".
6391	"	21	"was not the cause" should be "cannot be the cause".
6392	"	29	"he wanted" should be "we wanted".
6393	7159	12	Change "of high rank," to "of some rank,".
6394	"	21	Delete commas after "plant" and after "Koksagys". "was to be" should be "were to be".
6395	"	29	"workship," should be "workshop,".
6396	7160	1	Change "probably doors and window frames" to "probably barracks, doors and windows for barracks".
6397	"	7	"Capo" should be "Capos".
6398	"	8	Place semi-colon after "condition." Change next word "that" to "they".
6399	"	13	Change "and that was" to "and what we happened to see was".
6400	"	18	"One say" should be "One saw".
6401	"	27	Change last word "leadership." to "management."
6402	"	32	Insert "to" after "second".
6403	7161	12	Change last two words "that plant." to "that camp." Add "This is a mistake

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Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
6403	7161 (cont'd)	12 (cont'd)	in the translation." to complete paragraph.
6404	"	17	Change "I tell you" to "I say".
6405	7162	14	Delete "large". Insert "the beginning of that later large camp" before "which is always".
6406	7163	7	Change "two beds together," to "two barracks put together,".
6407	7164	4	"partisens." should be "artisans."
6408	"	18	"work" should be "word".
6409	"	22	"paragraph 115" should be "paragraph 195".
6410	7165	20	Change last two words "in the" to "regarding".
6411	7166	21-22	Change "inmates — not prisoners of war." to "prisoners of war — no, no, on inmates — not prisoners of war."
6412	7167	10	Insert "when" after "July".
6413	"	20	Change "engagement of" to "treatment of".
6414	"	21	Delete "in the construction camp inmates"
6415	"	22	Place period after second word "work." Delete next word "and" and begin new sentence with "That was".
6416	7169	6	"Rankfurt," should be "Frankfurt,".
6417	"	15	"1939" should be "1938".
6418	"	27	Second word "no" should be "not".
6419	7170	1	Change "a conspiracy close contact". to read "a conspiracy implies existence of a closer contact."
6420	"	7	Change first word "that" to "with whom".
6421	"	8-11	Delete as repetition from "On the other hand," in line 8 through "them at all." in line 11.
6422	7171	12	Insert "of bankers and industrialists" after third word "fraction". "was considered" should be "were considered".
6423	"	16	"some" should be "so many".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
6424	7173	8	Change period to comma and add "which is NI-5182" after "Exhibit 237".
6425	"	9	"NI-8162," should be "in NI-5182,".
6426	"	19	"Mrs. von Schnitzler" should be "Mr. von Schnitzler".
6427	"	22	Insert "in" after "brought in".
6428	7174	2	"Dr. Silcher," should be "Dr. Siemars,".
6429	7175	25	"on the Flix" should be "of the Flix".
6430	7176	11	"Horden," should be "Hörden,". Change last word "began" to "put".
6431	"	21	Change "conglomeration" to "collaboration".
6432	"	27	Last two words "together with" should be "collaborated with".
6433	"	32	Change line 32 to read "omission was made of one expression used by me in other places, 'Dr. Buegin or one'".
6434	7177	1	Delete "that I used generally".
6435	"	2	Insert "and" after first word "error".
6436	"	6-7	Change "and you say one" to "or one".
6437	"	15, 18, & 23	"Adken" should be "Aken".
6438	7178	2	Change line 2 to read "Duisberg in New York, was president or vice-president. At any rate, he was".
6439	"	3	L. 1 "the sone" should be "the son".
6440	7179	12	Insert "of the white-color employees and not" after first word "view". Also insert "Professor Selck was of course in a large office in Frankfurt." after "workers."
6441	7181	2-3	Place comma after "stand" and delete following words "you had to take care of".
6442	"	4	Change period to comma after "view". Continue sentence with "you left".
6443	"	5	Place period after "Merlein". Begin new sentence with "But perhaps,".
6444	"	12	Change "business men, technicians" to "sales men, scientists, technicians".
6445	"	17	Delete "to make him". Change "to any" to "of any".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
6446	7181	24	Change "main conference," to "scientific central conference,".
6447	7182	4	Change line 4 to read "No, he didn't have such a position. In these conferences, he was always a".
6448	"	7	Change "ever try" to "have the right".
6449	"	12	Insert "There," at beginning of line. Continue sentence with "of course,"
6450	7183	22	Delete "being" before "rejected."
6451	7185	28	Change second word "part" to "intention."
6452	"	32	Change third word "because" to "that".
6453	7186	12	Place comma after "nature" and change next word "which" to "it".
6454	"	16-20	Change from "emphasized" in line 16 through end of paragraph to read "emphasized independence and individual responsibility of each Vorstand member with respect to his field as it becomes apparent from your statement, what then was the general business management prescribed by the Corporation Law in the case of a Vorstand having several members?"
6455	718 7	2	Delete "to a certain extent" Place comma and insert "so to say," after next word "was".
6456	"	6	"with r" should be "with respect".
	"	19	"did usch" should be "did such".
6457	"	20	Third word "regeive" should be "received".
6458	"	28	First word "their" should be "his".
6459	7188	2	Change "I had nothing" to "I can add nothing".
6460	"	15	"On man" should be "One man".
6461	"	27	Add sentence "Principally there was a footing of equality in the Vorstand." after "question."

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
6462	7189	15	Change from "whether" in line 15 to read "whether things changed before and after. I would say from my practical knowledge that it was quite the same before and after."
6463	"	28	"on the supplementation of those plants" should be "in supplementation of those questions".
6464	7190	4	"At the time" should be "At that time".
6465	"	9	"after that time" should be "up to that time".
6466	"	21	Change "these details" to "this field".
6467	"	23-24	Change "since no actual" to "and besides a".
6468	"	24	Delete last two words "as yet".
6469	"	27	Change "Chema," to "TEA,".
6470	7191	31	Insert "in" after second word "things".
6471	7192	3	Insert "except for " before "the fact".
6472	"	9	"fre questions," should be "few questions,".
6473	7193	4	Change "to hear on." to "to listen on."
6474	"	24	Change "that you told him that event" to read "that, but you told him that in that event".
6475	"	29-32	Change from "answered" in line 28 through line 31 to read as follows: answered: "That is not correct, and if you made any insinuations to that effect, you did not make them in such a way that it allowed me to make such conclusions as are expressed now."
6476	7194	27	Change line 27 to read "(pos)sible that you made to me some general

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Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
6476	7194	27 (cont'd)	insinuations at some time, and that I then".
6477	7195	2	Change "I must reply to this question" to read "Before answering that question I must go into the matter".
6478	"	5	"world in Farben, in the" should be "world or in Farben, or at the".
6479	"	5-6	Change "council of the Vorstand, etc." to "building in Frankfurt, ".
6480	"	7	"been concerning in" should be "even concerning the"
6481	"	8-9	Delete "of doing that, ".
6482	"	10	"that kind" should be "any kind".
6483	"	12	Delete "afterwards". "that was" should be "they were".
6484	"	13	Third word "don't" should be "didn't". "fact" should be "facts".
6485	7197	14	Change line-14 to read "(deter)mination of the site of Auschwitz for the Buna factory, that the".
6486	"	17-18	Change "the population questions with respect to" to read "the necessity of spending millions for".
6487	"	27	"he had" should be "you have".
6488	"	29	"I replied" should be "I reply". Delete comma after "it".
6489	7198	24	"not only discussed on" should be "not discussed only on".
6490	"	25	Insert "probably from" after "Krensch's Bureau, ". Also insert "and was submitted for examination to" before "Dr. Ambors".
6491	"	26	Change "for himself," to "perhaps myself, ". "has been discussed" should be "was discussed".

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Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
6492	7198	28-29	Change "in this particular instance" to read "a matter involving a foreign country,".
6493	7200	13	Insert sentence "For these you have to find a proper place." after "imported."
6494	7201	20	"there were " should be "they were".
6495	"	21	"they were Germans" should be "They were people".
6496	7203	3	Delete third word "any".
6497	"	4	Delete "85 per cent of".
6498	"	5	Insert "to the extent of 85%," after first word "people".
6499	"	6	"greater" should be "great". Delete "an" before "a country".
6500	"	7	Change "procurements" to "production".
6501	"	8	"that Germany would feed" should be "for Germany to feed".
6502	"	10	Change first word "countries" to "land".
6503	"	13	Delete "the" before "unfavorable".
6504	7204	15	"German" should be "Germany".
6505	"	17	"Chemistry" should be "Chemical".
6506	7205	31	Place comma and insert "so to say," after "worked".
6507	7207	25	Change "with a staff for" to "in the staff HUK". Place parentheses before and after "armament and war production", placing comma after final parenthesis.
6508	"	29	Place quotation marks before first word "As".
6509	7209	17	Insert "even" after "scarcity of coal".
6510	"	31	Change "more larger" to "most of the larger".

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Item No	Transcript Page	Line (s)	PROPOSED CORRECTION
6511	7210	1	Last word "city" should be "cities".
6512	"	32	Change first word "unfree" to "forced".
6513	7212	13	"that took" should be "we took".
6514	7213	11	"of the commissar" should be "as commissar".
6515	7214	24	Delete "held," before last two words "to keep".
6516	7215	17	Change "Herr Von Schnitzler" to "Herr Winkler". Insert "from von Schnitzler and also" after "to hear".
6517	7216	7	Change "except in the business field but" to read "because he worked only in the sales department. But".
6518	7218	8	Place period after "document".
6519	7218 & ff	13 & ff	Change "Skierex" to "Zgierz".
6520	7219	20	Add "me" after last word "with".
6521	7220	1	"I can" should be "I cannot".
6522	"	3	"for the case that we might" should be "in case we might".
6523	7221	30	"on either" should be "at either".
6524	7224	4	"page 81.." should be "page 41.."
6525	"	6	Insert "the negotiations regarding Francolor because" before first word "participation".
6526	"	9	"Attorney Loncie," should be "Attorney Loncle".
6527	"	30	"representative" should be "representatives".
6528	7226	5	Change comma to semi-colon after second word "companies".
6529	"	13-14	Change "which are not covered by the agreement." to "outside of the main field."

Item No	Transcript Page	Line (s)	PROPOSED CORRECTION
6530	7226	29	"Exhibit 2157," should be "Exhibit 1257,".
6531	7228	6	Change third word "office" to "seat", "is relying" should be "has to rely".
6532	"	8	Insert "from" before "later meetings".
6533	"	11	Delete first word "certain".
6534	"	12	"misinterpret" should be "misinterpreted".
6535	7229	14	Change "other contracts." to "other east companies."
6536	"	15-16	Change lines 15 & 16 to read "Mr. Ambros the model of a trustee contract, and I recommended such clauses to be incorporated".
6537	"	17	Second word "a" should be "the".
6538	"	19-20	Change line 19 through "industry" in line 20 to read "worked out in the Reich Ministry of Economics by Dr. Ungewitter of the Economics Groups together with representatives of industry,".
6539	"	22	"has never been actually" should be "was never actually".
6540	"	23	Third word "is" should be "was".
6541	7230	11	Delete comma after third word "held", "agency" should be "agencies", "Dr. Mechelle" should be "Dr. Michel".
6542	7231	11	Delete comma after second word "you", Insert "to" before "defendant", Also insert "to" before "you and the defendant".
6543	"	12	"members," should be "member,". Place comma after "Dr. Waibel".
6544	"	13	Insert "to" after first word "and".
6545	"	18	Insert "and" before "at the foot".

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Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
6546	7231	20,21	"Inner Dyestuffs Committee" should be "Dyestuffs Steering Committee" (both times).
6547	"	21	Insert "and" before "therefore,".
6548	7232	6	Change "or the other" to "or another".
6549	"	7	Change "was affiliated to" to "existed at".
6550	"	8	Change "namely," to "and".
6551	"	19	"no one" should be "any one".
6552	7233	11	Change "voted on" to "agreed to".
6553	"	18	"but consumes" should be "and yet consumed".
6554	"	30	Change comma to period after "question". Begin new sentence with "In order".
6555	"	31	Place comma after "agreement".
6556	7235	2	Delete "that this".
6557	"	14	"this is proper" should be "it is proper in".
6558	"	15	Change "to look for" to "to fetch".
6559	7236	6	Delete comma after "firms".
6560	"	7	Delete commas after "signed" and after "accomplished".
6561	"	15	Change "any influence" to "a very far reaching influence".
6562	"	21	Change "points," to "plants,".
6563	"	27	First word "intermediated" should be "intermediates".
6564	"	29	Second word "was" should be "were".
6565	7237	20	"page 8," should be "page 181,".
6566	"	21	Change period to dash after "Trancolor". Next word "That" should be "it"

Item No	Transcript Page	Line (s)	PROPOSED CORRECTION
6567	7237	23	Last two words "turned to" should be "turned over to".
6568	"	24	Change "for manufacturers for that plant." to "of the production."
6569	"	27	Change first word "That" to "He".
6570	7238	3	"What is funny" should be "To know what is funny".
6571	"	5	"Schrieber" should be "Schieber".
6572	"	12	Insert "in" before last word "Count".
6573	7243	27	"Schicher" should be "Schieber".
6574	7244	6-7	"although one or the other person was there who" should be "although there was also one or another person who".
6575	"	8	"Mr. Duerr." should be "Mr. Doerr."
6576	7246	1	First word "Nor," should be "Now,".
6577	"	3	"Kraeh" should be "Krauch".
6578	"	11	Insert "in" before last two words "view of".
6579	"	12	Change "a legal member" to "head of the legal department".
6580	"	17	Place comma after "necessary".

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Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
5581	7251	25	"underneath" should be "under".
5582	7253	6	Add "again" after last word "of".
5583	7253	8	Change "into the Plan" to read "even if there were no Four Year Plan".
5584	7253	9	Change "they had" to "such projects had".
5585	7253	11	"head" should be "herding".
5586	7253	21-22	Change from "his first" in line 21 through "field." in line 22 to read as follows: the first lecture of a scientific nature that very day on "Progress in the Dyestuff Field".
5587	7253	32	Place comma after first word "known". "have been" should be "were".
5588	7254	1	Change "old credits" to "the old field of Dynamit Nobel".
5589	7254	9	"HEX" should be "MGX".
5590	7255	5	"be made" should be "is made".
5591	7255	8	Change "They are," to "The excerpts are,".
5592	7255	17	"we all all" should be "we are all".
5593	7256	19	Change "processes" to "occurrences".
5594	7257	14	Insert "at the wish of" after "time".
5595	7257	15	"Krauche" should be "Krauch".
5596	7257	30	Insert "in Wolfen" before first word "which".
5597	7260	2	Delete "when" after "times".
5598	7261	15	Change last two words "under the" to "taken care of by the".
5599	7261	16	Insert "of Economics" after second word "Minister".
5600	7261	17	"suppose if the question" should be "if a question".
5601	7261	22	First word "real" should be "really".
5602	7261	27	"underneath" should be "under".
5603	7262	13	"persuing" should be "perusing".
5604	7263	3	"and similar," should be "and the similar,".
5605	7263	6	Change "was necessary" to "had to be filled out in writing".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
6606	7263	16	"in either armament industries" should be "into either armament industry".
6607	7263	22	Change "consistated" to "performed".
6608	7263	31	Delete "neeth" at beginning of line.
6609	7264	7	Last two words "or normal" should be "of normal".
6610	7264	8	Change comma to period after "production".
6611	7265	5, 11	"dye stuffs plant" should be "dyestuffs plant".
6612	7265	12	Change "was a constructing product" to "concerned contracting products".
6613	7265	15	"to the extent" should be "to such an extent".
6614	7265	25	"underneath" should be "under".
6615	7266	3	First three words are "a job plan".
6616	7267	4	"did you task" should be "did you talk".
6617	7268	11	"is true." should be "is not true".
6618	7268	23	Place comma after "employees".
6619	7268	24	Place comma after "defendants". "they participated" should be "and participated".
6620	7269	20-24	Change from line 20 through end of paragraph to read "That is, the apparatus dismantled and built up again at another spot. On the other hand, in the case of certain expansions - for instance, in the case of phthalic acid which so far was produced only at Ludwigshafen - we built for the additional production which was needed for general economic reasons not at Ludwigshafen but at Schkopau. That doesn't mean that anything was interrupted or dismantled at Ludwigshafen. This concerns phthalic acid."
6621	7270	8	"trustees." should be "trustee."
6622	7271	8-9	After line 8 and before line 9, insert the following answer: A. Yes.
6623	7271	9	Change "A." to "Q."
6624	7271	21	"his capacity as" should be "the capacity of a".
6625	7271	22	"as membership then" should be "as a membership in the SS then".

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Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
6626	7271	30-31	Change from "feeling" in line 30 through "Berlin" in line 31 to read "feeling against this tendency of a directed industry emanating at that time very visibly from the Berlin".
6627	7272	28-29	Delete "on the other hand".
6628	7272	30	Change "on top of that he observed" to "on the other hand he observes".
6629	7272	31	Insert "and under war conditions forced up on him" after "Party".
6630	7273	8	"I started" should be "It started".
6631	7275	29	Insert "by the Prosecution," after "produced".
6632	7275	30-31	Change the sentence beginning with "The status" in line 30 to read "Part of it only could be replaced by buna because the status of processing did not, in these years, enable us to produce pure buna articles at that time."
6633	7276	1	"there is" should be "there are".
6634	7276	8	Delete "had" after "war".
6635	7276	21	Third word "bun" should be "buna".
6636	7276	23	"an information" should be "any information".
6637	7276	32	Insert "1940" after first word "July".
6638	7277	5	"we marked" should be "we mark".
6639	7277	23	Insert "the" after first word "of".
6640	7278	19	Second word "far" should be "fair". "inter" should be "enter".
6641	7278	23	"lecture" should be "letter".
6642	7278	24-25	Change from "and this" in line 24 through "rubber." in line 25 to read "and the utterances in this document were made long after the outbreak of the war and concerned the then existing situation of the war needs of rubber."
6643	7278	26	Change second word "submitted" to "treated". Insert "by the industry concerned" after "accordingly".
6644	7279	20	Change "has a stand-by" to "had to build a stand-by". "and Wolfen," should be "at Wolfen,".
6645	7279	30	"I withdrew" should be "I withdrew".
6646	7280	17	"first word "material" should be "materials". "field" should be "fields".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
6647	7281	14	"In the Fall" should be "In March".
6648	7281	29	Second word "fer" should be "from".
6649	7282	7	Delete last word "that".
6650	7283	27	Delete "that it prohibits". Insert "was prohibited," after "know-how".
6651	7284	14	"thrt is" should be "there is".
6652	7284	15	Insert "where" after "Chemmyce".
6653	7284	17	"I never deceived" should be "I never left".
6654	7284	18	Insert "uninformed" after first word "Howard".
6655	7284	21	"document" should be "documents".
6656	7284	23	"called;" should be "named:".
6657	7285	11	"in Dumont, Neovrene" should be "in the Dumont Neovrene".
6658	7285	24	"joint" should be "Joint".
6659	7285	27	Second word "test" should be "text".
6660	7286	5	"beings:" should be "begins:"
6661	7286	22	"which we T-rben," should be "under which we at Farben,".
6662	7286	25	"Jescon Company contract," should be "Jesco contract,".
6663	7289	4	"mtovies" should be "motives".
6664	7289	17	Change second word "countries" to "partners".
6665	7290	1	"Dr. Luser" should be "Dr. Lohr's".
6666	7290	9	Delete third word "first". Insert "only" after "this matter".
6667	7290	11	"that in the fall" should be "that even in the fall".
6668	7290	14	Place period after "was". Begin new sentence with "But if the".
6669	7290	15	Change line 15 to read "forbids me to give Buns to America—the prohibition must have been made—why should".
6670	7290	19	Change "and I have" to "is the following: I have".
6671	7290	22	"every difficult" should be "very difficult".
6672	7290	27	Change second word "contract" to "contradict".

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Item No.	Transcript Page	Line(s)	PROPOSED CORRECTIONS
6673	7290	28	Change line 28 to read "handling of know-how in America, and it is quite clear that Farben went enormous".
6674	7291	3	"Genference," should be "Conferences,".
6675	7291	7	"We are" should be "We were".
6676	7291	9	Change period to comma after "situation".
6677	7291	10	Change "Unless we be unable to react" to read "and endangering".
6678	7293	2	"Buna patent," should be "Buna patents,".
6679	7293	12	Change second word "this" to "as".
6680	7294	12	Insert "Plan" after "Four Year". Also insert "there" after "erected".
6681	7294	24-25	Place period after "location". Change "in the point of coal and calcium," to read "We always said at the time why not nearer to coal and limestone,". "shipping" should be "shipping".
6682	7294	27	Insert "in Summer" after "water".
6683	7294	30	Insert "Plan" after "Four Year".
6684	7295	6	Change "to the time of the" to "to that time there was this".
6685	7295	7	P comma after "prohibition".
6686	7295	8-9	Change lines 8 and 9 to read "Brinckmann — always from the point of view of our private economic consideration to build a factory in the right location — in order to influence him first of all, "that".
6687	7295	14	"we would not" should be "we should now".
6688	7296	16	Change "already said was" to read "previously designated as".
6689	7296	9	"that a conference in Munich brought up," should be "that the conference in Munich brought about,".
6690	7297	1	Delete quotation marks before first word "believed".
6691	7297	9	Add "But after peace had been concluded at Munich" after last word "that".
6692	7298	3	"of this witness," should be "to this witness." "If Dr. Heradt went" should be "Dr. Berndt went".
6693	7298	4	"so we have" should be "and we have".
6694	7298	5	Delete "(1)" after first word "question".
6695	7298	19	Insert "on that Count" after "your client".

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Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
6696	7299	25	Delete "which was" before last word "before".
6697	7300	11	Place comma and insert "not very large," after "valent,".
6698	7300		Correct pagination on page beginning "held in 1941" from "7300" to "7301".
6699	7301	11	Second word "plantations," should be "plantations,".
6700	7301	14	Insert "are" before "arbitrary".
6701	7302	23	Place quotation marks after "information."
6702	7305	4	"Draw off," should be "drawn off,".
6703	7305	7	"March on" should be "March or".
6704	7307	11	"1940 and the exact date for 1943" should be "1940, the exact date,".
6705	7307	13	"production plan" should be "production plan of the Office for German Raw Materials."
6706	7307	24	"I could only skip" should be "I have skimmed". Insert "quickly only" after memorandum".
6707	7307	27	Add "unfortunately" at end of line after "that we".
6708	7309	18	"those points" should be "those parts".
6709	7310	5	"that happen" should be "that to happen".
6710	7310	6	Last word "earlier," should be "later."
6711	7311	6	"I gave" should be "I give".
6712	7312	23	"you have had" should be "you had".
6713	7312	24	"haven't you?" should be "didn't you?".
6714	7312	31	Change "circle" to "a student circle (Studentenzirkel)".
6715	7314	2	"Dr. Brandt" should be "Dr. Berndt" (twice).
6716	7315	25-26	Place comma after "about" and change "however," to "but".
6717	7317	19	Insert "understand it," after "I think we do".
6718	7318	30	"f.r." should be "e.g.". Insert "economic" before "spheres,".
6719	7320	26	Add "ask" after last word "even".

ITEM	Transcript			PROPOSED CORRECTION
No.	Page	Line(s)		
6720	7322	14-15		Change from "but when" in line 14 through line 15 to read "but when I took over the leadership of the then created Vertrauensrat, representing Dr. Dähnel who was ill, I was also entrusted with the".
6721	7324	1		Add "(after recess)" after "AFTERNOON SESSION".
6722	7324	19		Change semi-colon to comma after "Leuna".
6723	7324	22		"Procuristen" should be "procurists". Delete quotation marks.
6724	7326	6-7		Change "Document 10." to "VI-7988, in Document Book 10."
6725	7326	21		Change first word "As" to "So I was".
6726	7326	22		Insert "a member of" before first word "the". Also insert "of" before "the leader" and before "the economic."
6727	7326	23		Insert "of" before "the Chemistry". "Gaulleiter" should be "Gaulaitung".
6728	7326	24		Change comma to period after "any oath". Begin new sentence with "The".
6729	7326	25		Insert "to become deputy head of this office," after "Dr. Ley,".
6730	7326	28		"There was" should be "there were".
6731	7328	28		Insert "of the" after "Jenoschka".
6732	7329	1		Insert "Heuer, of the Gas factory" after "foreman". Delete next word "Gasfabrik".
6733	7329	7		Place quotation marks before first word "As".
6734	7329	13		Place quotation marks before first word "During".
6735	7329	12		Delete comma after "workers". Change last word "and" to "in which".
6736	7329	24		Place quotation marks before first word "Feeding".
6737	7329	28		Place quotation marks before first word "I".
6738	7330	1		"veeding" should be "feeding".
6739	7330	15		Place quotation marks before first word "When,".
6740	7331	17		Delete second word "that".
6741	7331	21		"a vice-president" should be "a vice-president".
6742	7331	31		Delete "he" before "remained".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
6743	7332	6	Last word "ere" should be "to be".
6744	7332	16	"and this is an affidavit" should be "which is an affidavit".
6745	7332	19	Change period to comma after second word "again", and continue sentence with "but that at the end of 1932".
6746	7332	26	Insert "of this document," after "original".
6747	7335	2	"the formalities" should be "the formalities".
6748	7337	20	Insert "the" before "appointment".
6749	7339	18	Change "anniversary" to "day".
6750	7339	19	"the SS," should be "the SA."
6751	7339	20	Change "to support the organizations and" to read "for social care or for".
6752	7340	2	"Eckeling" should be Eggeling".
6753	7340	4	Last two words "of the" should be "to the".
6754	7340	18	First word "affidavits," should be "affidavit,". Place comma after "book 1" and change "and Bustefisch," to "and the Bustefisch affidavit,".
6755	7340	19	"refers" should be "infers".
6756	7341	15	Place period after first word "development". Begin new sentence with "That". Place comma after "uses".
6757	7341	16	Change period to comma after "forces" and change rest of line to read "in a fact, however, which is shared".
6758	7342	11	Place comma after "Cassie".
6759	7343	24	Change "was 522,000" to "increased to 522,000".
6760	7345	17	Change "that is introduced" to "these records are introduced".
6761	7345	17-19	Change "the market for technical nitrogen" to read as follows: the paragraph "sales and market situation for technical nitrogen"
6762	7345	24	Place quotation marks after "quantity."
6763	7345	25	Change "interesting each" to "interesting statements".
6764	7345	26	Insert "is" before last word "submitted".

Item No	Transcript page	Line(s)	PROPOSED CORRECTION
6765	7345	27	Insert "Exhibit 15 in Book 8," after Document 117," and change "that is 6 prior to the war." to read "that is 6 days prior to the outbreak of the war."
6766	"	29	Place quotation marks around "Five-Year Plan for Nitrogen".
6767	7347	1	Insert "the" before last word "dyestuffs".
6768	"	4	Delete first word "of".
6769	7348	3	Change "was operated" to "was established".
6770	"	4	"operation of" should be "construction of".
6771	"	19	"production" should be "construction".
6772	7349	10	"That is just a plant." should be "That is merely a project."
6773	"	14	Last word "plant" should be "plants".
6774	"	15,22	"Gabel" should be "Gapel".
6775	7351	6	Insert "by the Aviation Ministry." after "purpose".
6776	"	28	"A war product" should read as follows: A "Handelsuebliche Kriegsprodukt", which has been translated as a war product Also, place comma after "market".
6777	7352	2	Insert "or civilian products which can be used for war." after "market".
6778	"	7	Change "from the agricultural year" to "in the fertiliser years".
6779	"	28	Change "TNT," to "Hexogene and nitropenta,".
6780	"	29	Change "hexogene and nitropenta." to "them."
6781	7353	9	Insert "technical" before "nitrogen".
6782	"	11	Add "the development of" after last word "represents"
6783	7355	23	"petroleum products from tars," should be "petroleum products and products from tars,".
6784	"	25	"to consumption." should be "to the consumption curve."
6785	"	29	Insert "compared with the preceding years," after "increase,".
6786	7356	2	"Exhibit 5, Book 2" should be "Exhibit 4, Book 1".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
6787	7356	8	Insert "to compensate for the import." after "increased".
6788	"	9	"They also make nitrogen" should be "They can be called even as nitrogen".
6789	"	10	Change line 10 to read "as so-called war products on the civilian market (handels-suebliche Kriegsprodukte)."
6790	7357	7	Insert "from carbon oxide and hydrogenium" after "producing".
6791	"	11	Add "free" after last word "now".
6792	"	13	Insert "Book 8," after "Exhibit 18,".
6793	"	14	Insert "corroborates it," after "patent,".
6794	"	22	Place comma and insert "the most important product of Sparte I," after "methanol".
6795	"	23	"which is" should be "which are".
6796	7358	3	Insert "with diagonal lines" after "upper part".
6797	"	4	Place comma after "purposes". Change "and was used for" to read "used principally for the production of".
6798	"	5	Change last word "uses," to "auxiliaries,".
6799	"	6	Insert "for kaurit-glue." after "above all,". Begin new sentence with "There were".
6800	"	15-16	Change "an area, with fifteen lines." to a green area."
6801	"	27	Last word "methanol." should be "methanol synthetically."
6802	7360	8-9	Change lines 8 and 9 to read "Q. It should be 683. Here must also be mentioned Prosecution Exhibits 722 and 723."
6803	7361	7	"clearly what" should be "clearly that".
6804	"	10	Change semi-colon to dash after "anhydrite".
6805	"	11-12	Delete period after "Leuna". Insert "which," after same word "Leuna" and continue the sentence with "after the" in line 12.
6806	"	13	Change "there was an agreement by" to "they could obtain by a".
6807	"	17	"on stocks" should be "only stocks". Last two words "and were" should be "which were".

6808	7361	23	Insert "of the Reich Economic Ministry" after "letter".
6809	"	34	Insert "armament" after "important".
6810	"	27	Change line 27 to read "carbonil iron, ammonium chloride, carbon, nickel, ammonium carbonate, and contacts, and".
6811	7362	5	"plastophan," should be "plastopal,".
6812	"	11	Insert "by Farben," after "suggested".
6813	"	18	"of preparation" should be "a preparation".
6814	7363	3	"then to break" should be "then to break".
6815	"	21-22	Change "on collaboration and technical matters." to read "about international agreements on technical collaboration."
6816	7364	16	"Book 9," should be "Book 8."
6817	"	22	"Mr. Faubl," should be "Mr. Faubel,".
6818	"	23	"Schmitzler" should be "Schmitz".
6819	7366	23	Insert "A." before first word "OKW"
6820	7367	6	Insert "abroad." after "branches".
6821	"	10	Insert "satisfied" after "they were not".
6822	"	12	Change "agents and officers," to "officer Major Bloch,".
6823	"	10	Change "sales, central" to "sales combines."
6824	"	21	Delete first word "directorats;" Begin new sentence with "Because".
6825	"	22	Add "general" after last word "giving".
6826	"	23	"method of" should be "method through".
6827	"	24	Change "taken only really for instance," to read "never adopted, as far as I know."
6828	"	27	Change "taken" to "adopted".
6829	7368	6	Add "(Editor's Note: See line 32 below for correct date.)" after "1934".
6830	"	23	"Exhibit 828" should be "Exhibit 881". "You name" should be "Your name."
6831	"	29-30	Place comma after second word "therein" in line 29 and change rest of line 29 through "as such." in line 30 to read "but this has nothing to do with counter-intelligence or the transfer of information or other such things."

Item No	Transcript Page	Line (s)	PROPOSED CORRECTION
6832	7369	16	Insert "So it was a demand of Ceharis and not of the OKW." before first word "then".
6833	"	20	Insert "merely" after "Farben was".
6834	"	27	Insert "stated" before "correctly".
6835	"	29	"Rudeiger." should be "Ruediger."
6836	"	31	Delete "together and".
6837	7370	4	"have construed" should be "be construed". Delete "had" before last two words "might have".
6838	"	7	Insert "For" before first word "Paragraph". Also insert "but" before "perhaps".
6839	7370	15	"in not complete," should be "is not complete,".
6840	7371	16	Place comma after "Abwehr".
6841	"	18	Change "war games" to "map games".
6842	7372	11	"newspaper" should be "newspapers".
6843	"	5	Change period to comma after second word "quietly". Change rest of line to read "that every man should stay at his post and that it was war".
6844	"	15	Insert "which" after "offices".
6845	"	18	Place period after "to say". Change rest of line to read "In my capacity as main plant leader — I will speak about it later — I".
6846	"	31	Insert "as member of the Vorstand and" after first word "capacity".
6847	"	22	"My positions" should be "As far as my positions".
6848	"	23	Insert "are concerned, they" after first word "Farben".
6849	"	26	Change line 26 to read "(Pro)fessional Training of the Cooperative Association, etc. But also the positions which dealt regionally with".
6850	"	27	Place comma after second word "questions". Change "through their offices and" to read "because of their". Place comma after "restrictions".
6851	"	30	Place question mark after "Leader". Last two words "and you" should be "You".
6852	7374	9	Place comma and insert "also Book 8," after "Halle".

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Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
6853	7374	13	Delete "then" before "in conclusion".
6854	"	15	First word "connection" should be "conclusion". "nature or" should be "nature of".
6855	"	19	"and measures are measures" should be "and similar measures taken by Farben were measures".
6856	"	21	Add "also" after last word "taken".
6857	"	23	Change "can be seen from the instances in" to read "one can read in newspapers. From".
6858	"	24	Delete period after "products". Continue sentence with "one might".
6859	"	25	Delete "a war".
6860	"	26	Change "on both sides" to "of war production".
6861	"	30	"description" should be "directing".
6862	"	31	Insert "submitted to" before "strict regulations".
6863	7376	3	Change "policy and Farben" to "events, Farben".
6864	"	22	Last two words "has been" should be "was".
6865	"	23	Insert "in the Flick case" after first word "translated". "with plant" should be "by plant".
6866	"	25	Change line 25 to read "conception plant leader (Betriebsfuhrer) and business manager (Geschäftsfuhrer) are something different".
6867	"	26	Change "corporate law and the business, as such," to read "business on the basis of the economic law,".
6868	"	32	Change second word "Hauptbetriebsfuhrer." to "chief plant leader."
6869	7377	2	Change "That should be" to "That is translated".
6870	"	4	"That's a repetition again." should be "and it is repeated again."
6871	"	6	Change second word "are" to "includes".
6872	"	12,19	"underneath" should be "under".
6873	7378	8	Change period to comma and insert "which is partly connected with the circumstances of his interrogation." after "prosecution".

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Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
6874	7378	14	Insert "which I consider important" after second word "Betriebsgemeinschaft".
6875	"	16	Change "the position within the law. The" to read "the decisive unit of the German labor law. I should like to say that the".
6876	"	17	Change line 17 to read "in the sense of the law for plant leader is not Betriebsfuhrer (plant leader) but Fuhrer des Betriebes (leader of the plant). The tendency of".
6877	"	18	Change period to comma after "evident" and change rest of line to read "to strengthen the position of the community of works of".
6878	"	20-21	Change lines 20 and 21 to read "opposed to the entrepreneur or the owner who is an outsider and, in a certain sense, a capitalist with the result".
6879	"	31	Delete "because".
6880	"	32	Delete "because the contract".
6881	7379	1	Change comma to period after "authorities". Begin new sentence with "The result".
6882	"	2	Change "are under" to "primarily were under".
6883	"	3-4	Change "of this language used to not apply to these conditions." to read "of the law about duty of allegiance do not apply to this relationship."
6884	"	8	Insert "that is, in his work place," after first word "so,".
6885	"	9	Change "being able to apply" to "applying".
6886	"	14-15	Change from "council" in line 14 through "leader" in line 15 to read "council, to advise the chief plant leader, or, according to the law, the enterprise leader".
6887	"	16	Change "enterprises" to "concerns".
6888	"	18-19	Change from "competence" in line 18 through end of paragraph in line 19 to read "competence of the chief plant leader or of the enterprise leader with regard to the fact that according to German law at the time the local plant was the decisive unit of the labor law. It says:"
6889	7381	4	Delete last word "for".
6890a	"	26	"locality" should be "locally".
6890b	"	27	"for this law," should be "of this law,".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
6891	7382	12-14	Change entirely lines 12, 13 & 14 to read "was responsible for all questions going beyond mere technical matters, such as questions of social welfare concerning the entire plant, pensions, spare moneys, building matters for social purposes. The state social welfare policy, however, dealt with labor procurement, wages, social insurance."
6892	"	19	Insert "Mr." before first word "Weiss".
6893	"	29	Change "persons of the founding firms." to read "policy of the founding firms, and which is quite extraordinary."
6894	7383	1	First word "I" should be "It".
6895	"	21	"a affidavit" should be "an affidavit".
6896	"	23	Place period after "Exhibit 40". Begin new sentence with "It is".
6897	"	28	"to that." should be "of that."
6898	7384	1	Insert following line before line 1: "MR. SPRECHER: I assume that the purpose of this affidavit is given in the".
6899	"	7	"the showing may be" should be "that showing be".
6900	"	13	Place comma after "Miss Heyner".
6901	"	14	"have been procured" should be "be procured".
6902	"	17	Delete comma at end of line after "relevance".
6903	"	18	Change line 18 to read "that I have difficulties in procuring evidence. This has been stated".
6904	"	20-21	Change from "countries" in line 20 through end of paragraph in line 21 to read "countries has already been made part of the record by the Tribunal as you will no doubt remember. This is certainly of relevance."
6905	7385	21	Delete first word "to".
6906	"	25	Change "another country." to "a foreign country."
6907	"	27	Delete "but,".
6908	"	31	"the difficulties," should be "his difficulties,".
6909	7386	4	Insert "in" after "indulged in".
6910	"	6	"I was" should be "It was".

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Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
6911	7386	19	Delete last word "there".
6912	7387	20	Place comma after "affidavit".
6913	"	31	"in reality" should be "in reality". Place quotation marks after "lives."
6914	7389	13	"that part" should be "this part".
6915	"	14	Second word "for" should be "of".
6916	"	23	Change comma to period after "Landsmann" and insert "They are not directly connected with the trial. They are in the hands of Dr. Landsmann" before "and the correctness".
6917	7390	21	Second word "know" should be "known".
6918	"	30	Change "returned" to "prepared".
6919	7391	4	Insert "them," after "to meet". Also delete comma after "that is".
6920	"	23	Insert "in" after second word "aspect".
6921	7393	6	"in stock" should be "in a stock".
6922	7394	3	Place comma and insert "the" after "Cell Obmann".
6923	"	29	"discussing" should be "discuss".
6924	"	30	Add "of the" after "discussions" at end of line.
6925	"	31	Delete dash and insert "lasted about" after "Council".
6926	7395	9	First words "the age of" should be "the old age pensions of".
6927	"	29-30	Change "of social in politic" should be "to read as follows: of "social policy" is correct; one could as well say
6928	7396	6	Insert "in" after second word "were".
6929	7398	21	Delete "made them available to".
6930	7398	22-23	Place comma after "Council". Delete as repetition "or the Tea. Besides that, of course, the Enterprise Council and".
6931	7400	27	"Document 1327," should be "Exhibit 1327".
6932	7401	3	Insert "of the Francolor firm" after second word "workers".
6933	"	3-4	Place period after "work" and delete rest of sentence "of the Francolor firm."

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
6934	7401	31	Delete "A". Sentence in line 31 is the continuation of answer in lines 29 and 30.
6935	7403	18	"This deals" should be "This also deals".
6936	7406	2	Insert "loyal" after first word "the".
6937	"	6-7	"in those bodies" should be "in superior bodies." Delete "dealing with inter-plant matters in Farben."
6938	7408	5	Change "at the end," to "finally,".
6939	"	31	Insert "of the affidavit or the interrogation by the words" after "formulation".
6940	7409	1	Insert "even now." after "to me".
6941	7411	13	Second word "was" should be "is".
6942	"	19	Place comma after "on there".
6943	7412	10	"about 1929, 23,000 people." should be "in 1929, about 23,000 people."
6944	7413	1	"Dr. Ruestrow." should be "Dr. Austrow."
6945	"	3	Insert "with numerous factories." after first word "(depart)ments".
6946	"	17	Change period to comma after "elsewhere". Continue sentence with "this".
6947	"	23	Place dash after "steps".
6948	"	25	Delete period and place dash after "plant".
6949	7415	3	Change "policy" to "general importance".
6950	"	9	"to my deputies." should be "to the initiative of my deputies."
6951	"	30	Change period to comma after "workers)". Continue sentence with "according".
6952	7416	12	Insert "about" after "come".
6953	"	30	Delete "It required".
6954	7417	15	"the deputies" should be "these employees as deputies".
6955	"	17	Insert "their duties in" after "also,".
6956	"	18	Change "had to conclude" to "consisted in concluding".
6957	7418	28	Change "generous" to "freedom to move about".
6958	7419	1	Change comma to semi-colon after "treatment". Insert "according to explicit regulations," after "however,".

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Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
6959	7419	5	Change "different." to "fixed by special order."
6960	7420	9	Change "amount deducted," to "Eastern payment,".
6961	"	12	Delete last word "never".
6962	"	13	Change "any difficulty than" to "in the same way as".
6963	"	27	Change "sadists and excitable people." to "rude and choleric men."
6964	"	29	Change "treatment for" to "attitude of the".
6965	7422	13	Change line 13 to read "which was delivered to the explosives sector was only later made into explosives there."
6966	"	14	"of war" should be "for war".
6967	7425	15	Insert "energetically," after "request".
6968	"	28	Second word "for" should be "from".
6969	7426	8	Place quotation marks before and after "To Keep Order in Plants".
6970	"	14	Delete parenthesis before and after "Abwehrbeauftragte".
6971	"	23	Delete "for" before last word "so."
6972	7427	21	Insert "was" after "complaint".
6973	"	29	Change "of the Fuehrer's an SS detail" to read "of the Fuehrer, an SS Special Commando.".
6974	7428	10	"Have you had" should be "Have you".
6975	"	20	Place comma after "Department".
6976	"	21	Delete comma after "Legal".
6977	7429	1-2	Delete "be available".
6978	7430	21	"Internation" should be "International".
6979	7431	4-6	Change from "itself," in line 4 through "the SS." in line 6 to read "itself, while in the camp the OKW, that is, the St. lag, or the SS, was responsible."
6980	"	7	Place parenthesis after "prisoners".
6981	"	8	Delete "as" after "prisoners".
6982	"	9-10	Change from "camp" in line 9 through "concerned," in line 10 to read "camp is a time-limited punitive camp."

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
6983	7431	13	Change "concentration camp inmates," to read "E-Prisoners,".
6984	"	19&30	Change from "because" in line 19 through "staff" in line 20 to read "because the head of the factory guard was not attached to the personnel department".
6985	"	22	Change "security detachment" to "factory guard".
6986	7432	6	Delete "people".
6987	"	9	"these reports were" should be "were these reports". Place question mark after "made".
6988	"	17	Change "correct" to "state".
6989	"	27	"This is" should be "That is."
6990	7433	1	Add "of the method" after "cases" at end of line.
6991	"	3	Change "any comment" to "the evidence explanation".
6992	7434	5	"Urhaus" should be "Kurhaus".
6993	"	12	Change last word "received" to "read".
6994	7435	2	"agent." should be "agency."
6995	"	8	Change "What was your relation" to "In what capacity were you connected".
6996	"	21	"was used" should be "was gained".
6997	"	22	Delete period and place dash after the first "synthesis". Continue sentence with "that is". Place period after the second "syntheses". and delete rest of line.
6998	"	23	Delete first three words "in that process." Insert "in order" after "decided".
6999	"	25	Insert "because of Diesel oil scarcity" after second word "sector".
7000	"	26	Insert "developed by us at the time" after "synol process".
7001	"	27	"carbonic oxides" should be "hydrocarbon".
7002	7436	1	Change comma to period after "available". Begin new sentence with "Since".
7003	"	2	Change "these projects that needed" to "larger productions which needed".
7004	"	3	Change "high production capacity in Leuna," to read "high requirements of the production already existing at Leuna,".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
7005	7436	4	Change "welcomes because that Sparte I should" to "welcome occasion to Sparte I to".
7006	"	13	Insert "the technical part of" after "turned".
7007	"	14	Change "technical expert" to "production manager".
7008	"	16	"Book 7a," should be "Book 72,".
7009	"	19-20	Change from "process," in line 19 through "on the one hand" in line 20 to read "process, which in all its variations led to carbon oxide for mersol and fuel on the one hand,".
7010	"	22	Change "olphin." to "higher alcohol."
7011	"	23	"was of coke" should be "way of coke".
7012	"	28	Insert "decisive" before last word "Import(ance)".
7013	7437	1	First word "carcity" should be "scarcity".
7014	7438	2	Change "Fifth" to "Ninth".
7015	"	14	"we have" should be "we will have".
7016	"	16	"could give" should be "could explain".
7017	"	27	Insert "From" before "the prospective".
7018	"	28	Add "in the plant of Auschwitz." after "operated".
7019	7439	7	Delete "of the first of February".
7020	"	8	Change "production to Auschwitz?" to read "production of Sparte I to Auschwitz in February?"
7021	"	11	Change "operational enterprise" to "management".
7022	"	26	Delete "we had".
7023	"	29	Change "he installed" to "he worked in".
7024	"	30-31	Change from "assistant," in line 30 through "plants." in line 31 to read "assistant, as enterprise engineer, as department manager, and as chief engineer."
7025	"	32	Insert "an excellent knowledge of his profession," after "since he had".
7026	7440	2	Last word "retaining" should be "re-training".

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Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
7027	7440	10	"have no" should be "have had no".
7028	"	27	Change period to comma after last word "moved". Continue sentence with "much material" in line 28.
7029	7442	1	Change "training rooms: "to "dining rooms:".
7030	"	5	"It had" should be "It made".
7031	"	11	"I took personally" should be "I personally got".
7032	"	26	Change "to go to me," to "to come to me,".
7033	"	27	Delete third word "did".
7034	7443	3	Change "take an" to "have an".
7035	"	29-30	Insert the following question and answer: after line 29 and before line 30: Q. From the records of the construction conference? A. Yes.
7036	7444	22	Insert "and" after "construction".
7037	7445	10	Change "social" to "unsocial".
7038	"	11-12	Change "that he died a natural death." to read "that Mr. Weinberg was not killed in a concentration camp but that he died a natural death."
7039	7446	6	Change "That is correctly stated in the affidavit." to read as follows: That is not stated in the affidavit either. It says only "mistreated".
7040	"	11	Change "involves" to "concerning".
7041	"	15	Insert "in the case of serious infractions of discipline" after "were proscribed".
7042	"	16-17	Place period after "either". Delete "in the case of serious infractions of discipline."
7043	"	19	Change first word "plant." to "way."
7044	"	21	Insert "especially" after "had not been". Delete last word "in".
7045	"	22	Delete "particular". "in Tea" should be "in the Tea".
7046	"	25	Change "that the Russians did" to read "that by order of the German authorities, the Russians in view of the military situation did".

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Item No	Transcript Page	Line(s)	Proposed Correction
7047	7446	26	Place period after "for them". Delete "by order of the German authorities."
7048	7447	7	Change period to comma after "erected". Continue sentence with "if the children".
7049	"	9	"In other parts" should be "In other plants".
7050	"	16	"in Buna" should be "and Buna".
7051	"	20	"could find no means to avoid the" should be "could by no means be avoided under the".
7052	"	26	Delete "competitive". Add "work camps." after "Auschwitz".
7053	7448	28	"Did you bring this rumor in, in connection with" should be "Did you connect this rumor with".
7054	7449	24	Insert "and personal" after "confidential". Place period after "way" and delete next words "through personal agents."
7055	7450	5	Change "experiments." to "tests."
7056	"	14	"Reichssicherheitshauptamt." should be "Reichssicherheitshauptamt."
7057	"	15	Insert "Main" after "Security".
7058	"	19	"Agency," should be "Agent,".
7059	"	23	Change "to become the" to "as the".
7060	"	24	"Agency" should be "Agent". "to become" should be "as".
7061	"	28	Delete comma and add "of the" after last word "decrees".
7062	"	31	Change "was informed" to "was obliged". Place comma and insert "especially of the Gestapo," after "authorities".
7063	7451	29-30	Change "of the Vorderts, otherwise the" to "from the Vorwaerts to the"
7064	"	30	"the political" should be "and political".
7065	7452	24	Change "mechanication," to "motorization,".
7066	7453	1	"changes" should be "changed".
7067	7454	15	"For contributions" should be "Contributions".
7068	"	19	Change "categoring" to "catering".
7069	"	21	Insert "For apartments constructed with the help of the plant, 4.7 millions." before last word "For".

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Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
7070	7454	22	Change "etc." to "and sleeping halls,".
7071	"	25	"25.5 millions" should be "35.5 millions".
7072	7455	17	"has not been" should be "was not".
7073	7457	1	Last word "row" should be "role".
7074	"	12	Insert "you knew Bieterfisch" after second word "that".
7075	"	13-14	Delete "was incorporated with your position."
7076	"	18	"but this" should be "to this".
7077	"	19	Delete third word "to".
7078	7458	3-4	Change "that it was with" to "of".
7079	"	14	Change line 14 to read "concerned. He took care of the department for examining the economic practicability of production in Leuna."
7080	"	18	Delete "one" before last word "man?"
7081	"	29	Change "of the plant." to read "of the part of the plant which concerned Leuna."
7082	"	31-32	Change "responsibility and tasks" to "responsible persons".
7083	7459	1	Change "it in part in Leuna." to "the important questions."
7084	"	2	Insert "his" before "representative". Also insert "in" after "way".
7085	"	3	"Dr. Hepke" should be "Dr. Hoepke".
7086	"	8	Delete "as" before "we didn't".
7087	"	18	Insert "and" after "evocation". Delete "and" before last word "he".
7088	"	23	Change "in a political or social way?" to "for his person or in any way related with his business?"
7089	"	24	Place period after "tell". Next word "anything" should be "anyway".
7090	"	25	Change "didn't discuss that." to "didn't generally discuss it."
7091	"	30	Change third word "affairs." to "evening parties." Insert "also" after "I have".
7092	"	31	Change "interests from the" to "from any circle of".

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Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
7093	7460	5.	Delete "he" before "endeavored".
7094	"	12	Change last word "I" to "he".
7095	"	20	Change "Did he have" to "When you had".
7096	"	21	Change "in that respect, and if so," to "in the plant,".
7097	"	27	"about it," should be "about them,".
7098	7461	5	Change last word "when" to "to create".
7099	"	6	Change "phase arose for our staff of German plants," to "basis for our plants in southeastern Germany,".
7100	"	7	"Bund" should be "Buna".
7101	"	11	Delete "since the question arose".
7102	"	12-13	Change lines 12 and 13 to read "it belonged to Sparte I, but was treated independently by the Bergwerk director Scharf."
7103	"	21	"by Plant" should be "for the plants of".
7104	7462	9	"he had reported" should be "he reported".
7105	7463	6	Change "Weidemann" to "Falkenbeim".
7106	"	22-23	Change the quoted sentence in lines 22 and 23 to read "Worn out and overworked human beings were to be found there, while others still looked quite well."
7107	"	23	Insert "in" before last word "that".
7108	"	31	Delete "only" after "was not".
7109	7464	9	"I had been" should be "I was".
7110	"	10	Change "little more on the whole," to "several workers,".
7111	7465	6	Change "remember" to "noticed".
7112	7466	24	"I head" should be "I heard".
7113	7469	13	Change "released" to "freely recruited".
7114	"	14	Delete "to" before "such labor".
7115	7471	3	"slow" should be "slowly".
7116	"	15-16	Insert "Germany knew Russians were deported by force to" after line 15 and before line 16.
7117	"	28	Delete "that" after "used,". "has ordinarily" should be "was ordinarily".

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Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
7118	7472	15	Place period after "guards". Begin new sentence with "At some other". Change last word "employee's" to "personnel".
7119	"	16	Change "leader," to "department."
7120	7473	24	"Farben is Eastern" should be "Farben's Eastern".
7121	"	31	Insert "of the fact that" after "because". Place comma after "available".
7122	7474	20-21	Change "on the hand of Dr. Struss' charge" to read "through Dr. Struss' charts".
7123	"	21-22	Insert "and consequently the Vorstand members who were present in the Technical Committee," after line 21 and before line 22.
7124	"	30-31	Change from "applications in line 30 through "discussed" in line 31 to read "applications the details of which had been discussed in the TMA, and were presented to the Vorstand in summary. Some big credits were perhaps discussed".
7125	7475	3	Add "the" at end of line after "that".
7126	7477	23	"is impossible" should be "was impossible".
7127	"	29	"mostly done" should be "mostly prepared",
7128	7481	12-13	Change entirely lines 12 and 13 to read "French firms, for instance, Francolor, labor on the basis of the labor obligations — as far as I remember it was then this labor obligation — and we tried to get skilled workers, civilians."
7129	"	26	Place period and insert "He was appointed" after "Questions".
7130	7482	18	Change "Weber" to "Favre".
7131	7483	29	Change "I can answer that only restrictedly." to read "No, or only in a restricted sense."
7132	7484	3	Insert "in the case of Leuna" after "Krauch,".
7133	7485	21	Change "the other" to "another".
7134	"	26	"Mr. Matti" should be "Mr. Mathy".
7135	"	28	Insert "till" before "1944,".
7136	7487	12	Place quotation marks at end of paragraph.
7137	7488	5	"cross-exam." should be cross-examination."

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
7138	7488	7	Insert "relation" after "particular". Delete "the" before "armament".
7139	7490	2	Change "to go upstairs" to "sitting upstairs".
7140	"	7	Change comma to semi-colon after "Strombeck". Change "though he was the only one." to "he was the only other one."
7141	"	12	Insert "A." before "Yes."
7142	7492	16	Insert "the" before "Abwehr".
7143	"	20	Place comma after "persons".
7144	"	21	Place comma after "Gestapo".
7145	"	28	"participate" should be "participated".
7146	7494	7	Change "of their offices for their security estimate." to "concerning the activity of the Abwehrbeauftragten with regard to the security police."
7147	"	8	"I could" should be "I can."
7148	7496	3	"being important" should be "been important".
7149	"	20	"underneath" should be "under".
7150	"	26	Change "during the IMT trial" to "in the IMT judgment".
7151	"	27	"former" should be "formal".
7152	7497	9	"stated opposition." should be "certain opposition." Delete "I believe you admit that, but". Begin new sentence with "If".
7153	"	10	"in opposition" should be "in our position".
7154	"	14	Delete "though".
7155	"	16	"if we even had" should be "even if we only had".
7156	"	19	First word "not" should be "now".
7157	7498	7	"to save" should be "to say".
7158	"	9	Insert "I'm" before "somewhat".
7159	"	11	Insert "your question" after "State".
7160	"	30	First word "gotten" should be "got".
7161	7499	21	"gassing" should be "gassings".
7162	7501	25	"purused" should be "pursued".
7163	7502	12	Delete "that he".
7164	"	18	Add "in Heidelberg." after "1944" at end of line.

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Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
7165	7502	25	Delete "once there".
7166	7503	4-5	Insert "I don't remember that now." before first word "Well,". Delete "I don't remember that now." after "later."
7167	"	19-20	Change lines 19 & 20 to read "A. Yes, this is the first meeting which we had with the OKW representatives and in this meeting the program was laid down with the different points mentioned here."
7168	7505	22	"saying" should be "to say".
7169	7507	19	"terminated," should be "terminate,".
7170	7508	2	Change "a few stages of production" to "several projects".
7171	"	3	Change "stages" to "projects".
7172	"	13	"I was" should be "I did".
7173	"	14	Second word "discussing" should be "discuss".
7174	"	27	"I have visited" should be "I visited".
7175	7509	26	Place period after "matters". Begin new sentence with "It was".
7176	7510	13-14	Insert after line 13 and before line 14 the following: A. This may have been in a nitrogen discussion only. I do not remember any other discussion. B. Do you recall your own purpose with regard to the production of line nitrogen of the Messig-Falkenau plants in 1938? Do you recall having made any decision in this matter?
7177	7512	12	Delete second word "not".
7178	7513	3	Insert "which he received and which are contained in this document," after "Office,".
7179	7514	2	"the certain" should be "a certain".
7180	"	3	"tied down" should be "laid down".
7181	"	13	Delete "had" after "Stam,".
7182	"	16	Delete "and then".
7183	"	17-18	Change line 17 and through "but not" in line 18 to read "The credit requests when they were submitted to the TEA were subdivided according to the particular plants but not".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
7165	7502	25	Delete "once there".
7166	7503	4-5	Insert "I don't remember that now." before first word "Well,". Delete "I don't remember that now." after "later."
7167	"	19-20	Change lines 19 & 20 to read "A. Yes, this is the first meeting which we had with the OKW representatives and in this meeting the program was laid down with the different points mentioned here."
7168	7505	22	"saying" should be "to say".
7169	7507	19	"terminated," should be "terminate,".
7170	7508	2	Change "a few stages of production" to "several projects".
7171	"	3	Change "stages" to "projects".
7172	"	13	"I was" should be "I did".
7173	"	14	Second word "discussing" should be "discuss".
7174	"	27	"I have visited" should be "I visited".
7175	7509	25	Place period after "matters". Begin new sentence with "It was".
7176	7510	13-14	Insert after line 13 and before line 14 the following: A. This may have been in a nitrogen discussion only. I do not remember any other discussion. B. Do you recall your own purpose with regard to the production of line nitrogen of the Ausig-Falkenau plants in 1938? Do you recall having made any decision in this matter?
7177	7512	12	Delete second word "not".
7178	7513	3	Insert "which he received and which are contained in this document," after "Office,".
7179	7514	2	"the certain" should be "a certain".
7180	"	3	"tied down" should be "laid down".
7181	"	13	Delete "had" after "Stam,".
7182	"	16	Delete "and then".
7183	"	17-18	Change line 17 and through "but not" in line 18 to read "The credit requests when they were submitted to the TEs were subdivided according to the particular plants but not".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
7184	7514	19	Add "in the value of so and so much." to complete sentence after last word "procured".
7185	"	20	"said in summary" should be "would say in summary".
7186	"	24-25	Change from "matters!" in line 24 through line 25 to read "matters and were there not many other matters".
7187	"	26	Place question mark after "discussed".
7188	"	30	Change "the food question," to "guards, food,".
7189	"	31	Change "settled, or was there any independent answer possible" to "settled in detail or were they left to the discretion".
7190	7515	1	"by" should be "of".
7191	"	5	Place comma after "measures" and delete "by the Government,".
7192	"	6	Add "by superior bodies." after "issued".
7193	"	18	Change line 18 to read "one does not need any schools, if there are only a few children. It is".
7194	"	26	Change "chemical industry," to "this kind of industry,".
7195	"	27	Insert "chemical" after "mechanized".
7196	7516	8	"you were " should be "they were".
7197	"	13	Change line 13 to read "program, but in the frame of the forced labor program there was the purpose to get suitable workers. I had nothing to do with the forced labor program." Continue with line 14.
7198	7517	15	Change "to do anything about it." to "to withhold it."
7199	7518	11	Change "workers were treated" to "penal measures were executed".

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Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
7200	7521	3-4	Insert the two following lines after line 3 and before line 4: "Q. Dr. Schneider, when was the Office A created? A. In the spring of 1940."
7201	7522	17	"has said." should be "has given."
7202	7523	7	Delete comma after "Plan".
7203	"	9	"this plant" should be "from plants".
7204	"	11	"to fill them." should be "to fill the need."
7205	"	17	Add "the distributive agencies of the quotas, that is," after last word "had".
7206	"	20	"Officers" should be "Offices".
7207	"	26	Place period after first word "too". Begin new sentence with "In the beginning a large number".
7208	7525	1	Delete comma after "Ruetgen". Place comma after "32".
7209	"	15	Change "Ruetgen Plant" to "Uerdingen Plant".
7210	"	19	Place period after last word "Leuna".
7211	"	20	Begin new sentence with "About" and delete period after "1930".
7212	"	31	"Dehnel's predecessor left," should be "Dehnel, his predecessor,".
7213	7526	5	"Ammonia factory," should be "Ammoniakwerk,".
7214	"	16	Insert "in" before "1937."
7215	"	27	Change line 27 to read "The individual plants did not agree with this and they were able to".
7216	"	28	Change comma to period after "them". Delete next word "which" and begin new sentence with "He was".
7217	"	29	Insert "so" after "to do".
7218	7528	11	Change last two words "a special" to "an invited".
7219	"	12	Add "as far as I recall." after "workers,".
7220	"	13	"not doubt" should be "no doubt".
7221	7529	7	Change "Up to the beginning of the war, during the war," to read "That was at the beginning of the war. During the war,".

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Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
7222	7529	8	Insert "new" before "war techniques,".
7223	"	9	"new weapons," should be "tanks, etc.,"
7224	"	14	Delete "that" before "in connection".
7225	"	15	Change line 15 to read "Schneider made, so to say, a patriotic or satisfied speech, to the".
7226	7532	17	"were the type" should be "were of the uniform type".
7227	"	24	Delete "later" before "they did so."
7228	"	25	Insert "measures" after "output".
7229	7533	1	Insert "and under special guard." after "conditions".
7230	"	10	Delete last two words "that this".
7231	"	11	Delete first word "matter". Insert sentence "This order was passed on to all agencies concerned by the person in charge." after "improved."
7232	"	22	"to move on" should be "to move in".
7233	"	26	Change period to comma after "coming up". Continue sentence with "the first".
7234	"	31	Place comma after "problems". Also place comma and insert "was" after "that is".
7235	7535	19	Insert "in" after first word "but". Change period to comma after "forth" and add "yes." at end of line.
7236	7535	25	Place question mark after "permissible".
7237	"	27	Change "Will we" to "Are we allowed to".
7238	"	30	"We would have to have" should be "We had to have".
7239	"	31-32	"where it was forbidden, because we have" should be "for which it was forbidden, for we had".
7240	7536	1	Change "they say What is produced there and then" to "according to that people were chosen and".
7241	"	6	"That has" should be "Had that".
7242	"	16-18	Change from "plants" in line 16 through "forth" in line 18 to read "plants, about which only the men in charge could enter into discussion with the work management."
7243	"	29	"prisoners of work" should be "prisoners of war".

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Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
7244	7537	9	Change "I was there very often." to read "I was very often at Auschwitz."
7245	"	14-16	Change from "Well," in line 14 through "a large" in line 16 to read "Well, my impression was as follows: in the beginning when I got there - that was in 1942 approximately, we have to make a distinction --, a large".
7246	"	23-23	Insert following line after line 23 and before line 23: "Q. Do you know when it was built?"
7247	"	23	Change "Q" to "A" at beginning of line. Last words "of the plant" should be "on the plant".
7248	"	28	Insert "even" after first word "good".
7249	7538	5	Insert "Also the inmates had to be skilled workers." before last word "That".
7250	"	14	Change last words "with Monowitz" to read "with the installation of Monowitz".
7251	7538	15	Delete entirely.
7252	"	16	Insert "the installation of" before "Monowitz,".
7253	"	18	"in the camp" should be "in a camp".
7254	"	22	Insert "during the day" after "quantity".
7255	"	23	Insert "of the same quality as in other places," after "which was not bad,".
7256	"	29	Place comma after "Certainly" and delete next words "there is". Place period after "doubt". Begin new sentence with "Developments".
7257	7540	13	Change "defendants" to "inmates".
7258	"	14	Begin new paragraph with "A. No, one cannot".
7259	"	14-15	Change "They were not kept to working during the last time." to "In the later period, certainly not."
7260	"	28	"I didn't hear" should be "I only heard".
7261	"	30	"an oror" should be "an odor".
7262	7541	6	Add "or anyhow" after last word "piles".
7263	7542	19-20	"they be furnished methanol to" should be "methanol be furnished to".

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Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
7264	7543	5	Change "somebody else, I don't know any more who it was," to read "by Mr. Kehrl,";
7265	"	8	Insert "training school near Vienna; but it is possible that from this amount ten or twenty tons were furnished to the" before "Auschwitz". Place comma at end of line after "camp".
7266	"		
7267	"	9	Delete "from this amount,".
7268	"	13	Add "This is an assumption." after "substance."
7269	"	16	"and I noticed" should be "where I noticed".
7270	7543	21	Change last word "still" to "apparently".
7271	7544	14-15	Change "The agency of Sparte I in Auschwitz was undertaken by" to read "The representative of Sparte I for the plant of Auschwitz was".
7272	"	25	Insert "When I came there" before "Dr. Bustefisch". "ammoniac factory" should be "Ammoniakwerk".
7273	"	26	"Dr. Hobort" should be "Dr. Herold".
7274	7545	11	Change period to comma after "functions". Change "That" to "which".
7275	"	12	Last word "that" should be "the".
7276	"	17	Change "to issue the directives - the policy for the" to read "decisive for the development of the".
7277	"	25	Change "leaders?" to "management?".
7278	"	27	Change "leaders were" to "management was composed of".
7279	"	28	"Dr. Stroheck," should be "Dr. Strombeck,"
7280	"	29	Change period to comma and add "and Dr. Rudlof." after "Bustefisch".
7281	7546	6-9	Change from "management" in line 6 through "That is," in line 9 to read "management as the deputy of Dr. Bustefisch who was the technical director of Leuna and from that moment on Dr. Bustefisch had to deal with a lot of different things, that is,".
7282	"	28	"should materialize," should be "should be materialized,"
7283	"	29	Change entire line to read "had to be passed on to the plant management as to whether or not they were to be carried out."

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Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
7283	7546	30, 31, 32	Delete entirely lines 30, 31 & 32
7284	7547	1	Insert "From" at beginning of line before "this".
7285	"	8	Insert "of" after first word "rather".
7286	"	10	Change "the impression," to "the pressure,".
7287	"	11	Place comma after third word "gasoline". Next word "ammonium," should be "ammoniac,".
7288	"	12	Insert "of all things, during the war," after "created,".
7289	"	22	"Gesellschaft, Beshlen, and Magdeburg," should be "Gesellschaft at Beshlen, Zeitz, and Magdeburg,".
7290	7548	4	Change "for soap, raw" to "were soap raw". Insert "morsolate" after "morsol,".
7291	"	24	Insert "from Leuna" after "transferred".
7292	7549	14	Insert "in the Vorstand" after "liaison man".
7293	"	15	Delete "represented in the Vorstand".
7294	7550	10	Delete "of Germany".
7295	7551	13-14	Change "because I was only there once or twice during one or two days." to read "in the one or two days I was there."
7296	"	15	Change "Did Dr. Duerrfeld" to read "My question was if Dr. Duerrfeld".
7297	7553	28	Insert "of the headlines and of the text" after "copies".
7298	7554	4	Place comma after "Dr. Schneider".
7299	"	7	Insert "in Leuna," after "inmates".
7300	"	9	Insert "of the authorities" after "regulations".
7301	7555	6	Insert "and Geneva." after "Convention".
7302	7556	16	First words "corrdd the" should be "accorded to".
7303	"	28,29	"Eudolf" should be "Rudolf".
7304	7557	13	Change "regarding Gestapo intervention." to "regarding the reports of the Gestapo."
7305	7558	1	"and affidavit" should be "an affidavit".

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Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
7306	7558	4	Insert "mine von der Heydt which other affiliates also deal with and which" after "prisoners in the". Delete next word "Vonot".
7307	7559	6	Insert "to the Gestapo" after "a report".
7308	"	13	Insert "is valid by law and" after "that it".
7309	"	22	Insert "Frankfurt where the decision could be found. The weight of the" after "located in".
7310	7560	2	Change "Tribunal," to "Frankfurt District Court,".
7311	"	26	Insert "of a scientific report on the working conditions of prisoners in Germany in the year 1923. I want" after first word "article".
7312	7561	3	Insert "got" after "inmates".
7313	7564	27-28	Insert "who was interrogated here, to Spear on the employment of" after line 27 and before line 28.
7314	7565	1	Insert "even" after "proof that".
7315	"	30	"There we" should be "Here we".
7316	7566	2	Last word "I" should be "myself."
7317	"	13	"in a very" should be "is a very".
7318	7568	6	"to go in" should be "to go to in".
7319	"	19	"then similar" should be "when similar".
7320	7569	16	"this documents" should be "this document".
7321	"	31	"which it was" should be "which was".
7322	7573	2	"loter," should be "later".
7323	7574	12	Change line 12 to read "A. Yes. One can perhaps see it from the fact that".
7324	"	14	Change "were, of course," to read "were in the beginning".
7325	"	16	"he had" should be "we had".
7326	"	20	Insert "that" at beginning of line before "the head". Change last word "him" to read "the Abwehrbeauftragte."
7327	"	27	"the men" should be "the man".
7328	7575	18	Change first word "Foyer" to "Heuer."
7329	"	20	Add "with Schneider's support." after "positions".

7330	7575	23-24	Delete "I don't know."
7331	7578	14	Insert "But we were able to justify ourselves before General von Unruh." before "It was".
7332	"	16	Insert "it was at the time when" after "whether".
7333	"	17	"and the head" should be "that the head".
7334	"	19-20	Change "that they had realized" to read "because of".
7335	"	21	Change first words "and that they had" to read "when they realized them, they desisted from this plan and".
7336	"	22	Place period after "management". Begin new sentence with "But this".
7337	7577	2	Change line 2 to read "reproach Schneider with respect to the foreign workers?".
7338	"	21	Insert "was" after "witness".
7339	"	23	Place period after "the SS". Begin new sentence with "We move".
7340	7578	21	"very long" should be "any longer".
7341	"	30	Delete first word "and" and insert "according to the very strict regulations," before "it was".
7342	7579	15-16	Change period to comma after "regulations". Change from "He was" in line 15 through "that he" in line 16 to read "and he had not informed the University of Munster of which he was a member that he".
7343	"	25-27	Change the entire question to read "Q. This refers to the charge of aggressive warfare. Perhaps you will tell us briefly something about Leuna, its products and its nature."
7344	7580	28-29	Change "detailed discussions of such a matter." to read "that one did not feel the need to discuss the matter."
7345	"	30	Insert "or" after "It is true,".
7346	7581	4	Insert "I knew of it," after "plan,".
7347	"	5,6	Insert "precaution" after "air-raid".
7348	"	1. 8	Change last words "shelter and I knew" to read "measures in general but I know".
7349	"	1. 9	"about it." should be "about them."
7350	7582	15-16	Delete "as is the nature of affidavits,".
7351	"	17	Delete comma after "foreman".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
7352	7583	1	Place comma after "Dr. Kaeding". "of all comment" should be "first of all, comment".
7353	"	5	Insert "Frenchman" after first word "free". Insert "Germans" after "Ethnic".
7354	"	17	"from the outside." should be "from outside Germany."
7355	"	25	Insert "under conditions which were quite strange to them" after "foreigners". "intense by" should be "intensely."
7356	7584	9	"we had worked" should be "we worked".
7357	7585	16	"showing within" should be "showing by".
7358	"	21	"you can, which," should be "you can".
7359	"	22	Insert "which" after "your time."
7360	7587	4	Insert "in the surrounding towns." after "hotels".
7361	"	10	"part" should be "apart".
7362	"	17+18	Delete sentence "It is true that it fluctuated." from line 17 and place it in line 18 after "weak."
7363	7588	7-9	Change from "mission" in line 7 through "so that" in line 9 to read "mission of getting acquainted with the living conditions, housing, food, etc. in other Farben plants or chemical plants of other friendly concerns so that".
7364	"	10	Complete this answer with following sentence "It was an unknown field in everyway."
7365	"	11	Delete "that" after "said".
7366	"	19	"were close" should be "were relatively close". Last two words "were very" should be "were endangered and very".
7367	"	20	Insert "by bombs" after "destroyed".
7368	"	23	Change "this department who saw" to read "the department competent for this question who saw".
7369	7589	3-4	Change "largely because of carelessness." to "the losses were usually smaller."
7370	"	10	"that informed" should be "who informed".
7371	7590	1	Change "I was informed" to read "I want to put to you that you informed me".
7372	"	7-8	Change "were unprecedented. The warning" to read "were attacks of quite a new type and therefore the warning".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
7373	7590	9	Change line 9 to read "this was due to the fact that the military were completely surprised."
7374	"	17	Place comma and insert "and" after "demonstrations".
7375	7591	6	Change "anywhere where they violated" to read "under conditions violating".
7376	"	15	Change first word "convicts?" to "E-prisoners?"
7377	"	17	"prisoners" should be "E-prisoners".
7378	"	27	Insert "Yes, I know of this." before "In orders".
7379	7592	1	"have had" should be "have been".
7380	"	4-5	Change "in that respect. It wasn't even easy" to read "in order".
7381	7593	5	Change period to comma and insert "struck me." after "subjected to".
7382	7594	5	Change "something" to "some special things".
7383	7595	19	Delete comma after last word "requirement".
7384	7596	8	Insert "which were planned before the beginning of the construction. He took care of the installation of big" before last word "modern".
7385	"	20	"segregated" should be "separated and".
7386	"	20	"Dr. Kopper," should be "Dr. Koppe,". Delete comma after "Dr. Schneider".
7387	7598	20	Change "steered by the government." to read "taken care of by somebody."
7388	"	21	"an armament" should be "no armament".
7389	7599	30	"close or long," should be "close or far,".
7390	7602	6	"by any of the Jewish" should be "against the Jewish".
7391	7603	16-17	Change "it would not be bad." to "nothing would happen."
7392	"	19	"Gaswig," should be "Daswig,".
7393	7606	23	Insert "him" after "approach".
7394	"	25-26	Change "the party affiliations had" to read "attitude towards the party".
7395	"	29	Insert "more than" after "we had".
7396	7607	3	"stresses" should be "stressed".

7397	7607	22	Change "quite a lot," to "several nationalities."
7398	"	26-27	"were students and other people" should be "were mostly students, people".
7399	7608	9	"alltogether;" should be "all together;"
7400	"	11-12	Change from "a little" in line 11 through "work" in line 12 to read "a little they proved interested in their work".
7401	"	13	Change "That was done in about two or three months," to read "After two or three months, they succeeded in that,"
7402	"	15	Place period after "machinists". Change and complete rest of line to read "As an incentive and in order to make these people more interested in their work, the plant management arranged the following:"
7403	"	19	Change "that they could dispose of. Then the were also" to read "which they could dispose of as they liked. Then they were also".
7404	7610	3	Change "What do you mean?" to read "Do you mean the particular nationalities?"
7405	"	6	"but they did" should be "but we did".
7406	"	18	Add "after six months," after last word "home".
7407	"	22	Change "and as time went by" to "but later because of".
7408	"	23	Delete "made it impossible, and".
7409	"	25	Change entirely line 25 and complete as follows "A. Yes, furlough trains went to various countries. All foreigners went in a closed group and came back in a closed group."
7410	7611	26	Change last word "from" to "to one of".
7410a	"	29	Change "had it in for" to "hated".
7411	7612	17	"leaders" should be "leader".
7412	"	19	Complete paragraph with following sentence "I don't know of any case where the plant leader tried seriously to catch a man."
7413	"	28	"Dr. ?" should be "Mr. Pasantek?"
7414	7614	7	Second word "out" should be "our".
7415	7616	11	First word "enterprisery" should be "enterprise".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
7416	7616	23-24	Change "Then you still wouldn't get anything across." to read "In the final analysis, it stems from production."
7417	7617	4	"I have been" should be "I was".
7418	"	17	"Because Leuna was" should be "of Leuna".
7419	7619	14	Change "I came" to "I had".
7420	7619	16	Change "recreation questions." to "pension questions."
7421	"	19	Last word "Leuna?" should be "Farben?"
7422	7620	20	Third word "shown" should be "shows".
7423	7621	9-11	Change from "questions" in line 9 through "entrepreneur" in line 11 to read "questions bears responsibility towards the workers as well as towards the agencies of the State and of the Party. As a rule, the entrepreneur".
7424	"	13-14	Change from "What is" in line 13 through "directed" in line 14 to read "What is the position of enterprises such as Farben which according to the commercial law are".
7425	7622	4	Change period to comma after "simultaneously". Next words "apart from that, the" should be "or, apart from that, if the".
7426	"	5	"to reserve" should be "reserved".
7427	7623	7	Add "an" after last word "appointed".
7428	"	28	Delete comma after "agree to".
7429	7624	29	Change "according to" to "also for".
7430	7625	22	Delete "Nothing changed this fact and". Begin new sentence with "The".
7431	7626	9	Delete "only" before last word "Vorstand".
7432	"	11	"The leader of the plant or the leader of" should be "The manager of the plant or the chief of".
7433	"	27	Change "its own plant leader in its enterprise." to read "its plant manager as its own plant leader."
7434	7628	13	"Schneider on Dr. Bertrams" should be "Schneider or Dr. Bertrams".
7435	"	27	"symbolized the fact" should be "was symbolic for the fact that".
7436	7629	15	"directly" should be "indirectly".
7437	"	20	"testified the basic rules which" should be "testified especially in the first sentence of his statements, as to the basic rule which"

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Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
7438	7629	24-28	Change from "before," in line 24 through "Therefore," in line 28 to read "before, according to the National Socialist opinion about the enterprise as the cell of the social structure, responsibility is shifted to that point where the worker gets in touch with the entrepreneur, that is in the enterprise itself, and therefore,".
7439	7630	21	Place comma after "cleared up".
7440	7630	26	"that point" should be "the point".
7441	"	27	"then what" should be "than what".
7442	7631	3	"to see on" should be "to see one".
7443	7632	1	Insert "give" before first word "rise".
7444	"	4	Insert "the Vorstand and" after "handled through".
7445	7633	5	Insert "in Germany." after "authorities".
7446	"	6-7	Change "predecessor in other kinds of governmental offices." to read "predecessors in the form of governmental labor commitment agencies."
7447	"	9	"from another provice" should be "than in another province".
7448	"	13	Change "the labor" to "the scarcity of workers".
7449	"	14	Change "it had to be" to "labor had to be".
7450	7634	2	Delete "according to your statements,".
7451	7635	1	Delete "were".
7452	"	23-24	Change "in the recruitment of workers from" to "that in".
7453	"	25	Change period to comma after last word "contracts".
7454	"	26	Delete "This, after all, only meant that".
7455	"	27	Place period after "workers" and delete next word "themselves".
7456	7636	2	Insert "even" after first word "Now,".
7457	"	5	"but we did" should be "and we did".
7458	"	8	"Brown-Bouery" should be "Brown-Boveri".
7459	"	27	Delete "also" before "endeavored".
7460	"	30	"As you are surveying" should be "As one surveys".
7461	7637	1	"We have endeavored," should be "We endeavored,".

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Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
7462	7637	4	"We have tried" should be "we tried".
7463	7637	7	"comfortably" should be "comfortable".
7464	"	9	Change "increased and" to "decreased but".
7465	7638	5	Change last two words "it required" to "other".
7466	"	6	Insert "were required," after first word "expenses".
7467	"	9	Place comma after "leave time". Next words "journies, home," should be "journeys home,".
7468	"	11	"that a foreigner was" should be "that the costs of a foreigner were".
7469	"	15	Change "with respect to" to "participated in".
7470	"	16	Delete comma after first word "workers". Also delete next word "participated".
7471	"	17	Delete "and" after "Farben,". Insert "and" before last word "were".
7472	"	30	"Ministry of" should be "Ministry and".
7473	7639	5	"They say" should be "They saw".
7474	"	7	Change "because there were other" to "among the".
7475	"	30-31	Delete "by directives from the state and".
7476	7640	15	Change end of line from "assumed" to read "assumed for plant physicians, etc.?"
7477	"	16	Change line 16 to read "A. No, I don't remember that. Everywhere for the foreigners we had our own plant".
7478	7642	10	Insert "at the beginning" after "leaves,".
7479	"	11	Change "they soon tightened the" to "very soon a net of".
7480	"	11-12	"which were" should be "was".
7481	"	13	Change "their general policy upon" to "their magnanimous policy".
7482	"	14	Second word "existed" should be "held".
7483	"	28	"camp" should be "came" after "children only".
7484	7643	7	Last word "authorities," should be "trade inspection authorities."
7485	"	15	Change semi-colon to comma after "to work". Change rest of line to read "they were capable, as soon as they had".

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Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
7486	7643	16	insert "But the regulations were opposed to that" after "welfare."
7487	"	26	Change last word "principles" to "prisoners".
7488	7643	28	Change period to comma after last word "maintenante" and continue sentence with "even" in line 29.
7489	"	30	Change comma to period after "combine". Change next word "still" to "But".
7490	7644	2	Change "to do about the Hague" to read "to do with labor employment according to the Hague".
7491	"	5	Change first word "do" to "be concerned".
7492	"	7	Change "of principles of war. Among them" to read "of prisoners of war. With these".
7493	"	22	Change "these are other prisoners, and" to read "at Leuna a certain number of E -prisoner were employed, but".
7494	7645	7	Insert "sometimes" after "Naturally".
7495	"	9	Add "foreign" at end of line after "these".
7496	"	10	Change "came in at the beginning," to read "had to live together with them,".
7497	"	12	Change "this collection," to "my colleagues,"
7498	"	15	Place comma and insert "also of the decent foreign workers," after "workers".
7499	"	19	Delete "A part of". Begin sentence with "The work". Place comma and insert "or a part of it," after "guard".
7500	"	20	Change comma to semi-colon after "badge".
7501	"	22	Change "It says that on occasion" to read "It has been said on various occasions that"
7502	"	23	"are to be" should be "were to be".
7503	7646	11-12	Change "endeavored to get foreign workers?" to read "took care of foreign workers centrally?"
7504	7648	13	"of the financial" should be "or the financial".
7505	"	29-31	"contributions" should be "gifts".
7506	7649	2	Delete last words "and contributions".
7507	"	4	"these documents," should be "these gift documents,".

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Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
7508	7649	6	Change "for which the money was contributed," to read "of these gifts".
7509	"	10	Change "contributions" to "gifts".
7510	7649	12-13	Change from "which was" in line 12 through end of paragraph to read "which was set up by I.G. in honor of Schmitz and which was principally destined for war orphans."
7511	7650	23	Change "participate" to "work".
7512	7652	14	Add "only" after last word "people".
7513	"	16	"Book 7." should be "Books 1 to 7."
7514	"	29-30	Delete "was influenced by the conditions, and that one". Change last word "conditions" to "ideas".
7515	7653	1	Change "existed in 1914," to read "existed before 1914 and naturally more in the East than in the West."
7516	"	9	"A few document" should be "A few documents".
7517	"	21	Insert "from Switzerland" after "I received".
7518	"	21-22	Delete "from Switzerland" after "reservation".
7519	7655	4-5	Change "had nothing to do with" to read "concerned the".
7520	"	20	Insert "constitutional" before "European".
7521	"	21	Change "the necessary for the labor of" to read "in principle the labor service for".
7522	7656	2	"occupied" should be "occupation".
7523	"	11	First words "to this document" should be "to the first sentence of this document".
7524	"	14	"1931," should be "1939,".
7525	"	24	Insert "from the subjective point of view" after "interest".
7526	7657	10	Change period to comma after last word "came" and continue sentence with "upon" in line 11.
7527	"	18	First word "Himmler" should be "Hitler".
7528	"	24	Change "was not subject to" to read "did not exist as subject of".
7529	"	26	"logical" should be "psychological".
7530	7658	9	Change "significance" to "importance".
7531	"	12	Change last words "then such evaluation" to read "that is of importance for the judgment".

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Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
7532	7658	13	Change "is of importance at a time" to read "during the war".
7533	"	14	Change "Germany." to "Czechoslovakia."
7534	"	15	Change line 15 to read "to get. We have not been able to find it up to this time. So I am able only".
7535	7659	9	Change "by way of" to "as".
7536	7660	2	"our policy" should be "the policy".
7537	7662	13	Delete "possibly".
7538	"	15-16	Delete "and that that validity".
7539	7663	14	Change "because of the existing unemployment situation". to "in the case of unemployment."
7540	"	18-19	Delete "rejects".
7541	"	21	Delete "of" after "minority".
7542	"	22	Change "decision" to "deportation".
7543	"	27	Change "favorable to the German spirit." to read "positive in the German sense."
7544	"	28-29	"Uppingham." should be "Oppenheim."
7545	"	30	Insert "of" after "a note".
7546	7664	3	Change "representations" to "statements".
7547	"	10	"measures if" should be "measures of".
7548	"	26	Insert "in the Ukraine" after "unemployment".
7549	7666	2	"is now showing" should be "does not show".
7550	7667	2	Delete "also" after "treaties,".
7551	"	7	First word "contest" should be "context".
7552	"	9	"relaying" should be "relying".
7553	"	29	Last word "changes" should be "charges".
7554	7668	9	"that did notify" should be "that did ratify".
7555	"	10	"clarified." should be "nullified."
7556	7669	15	Place period after "ground". Change "going" to "It goes".
7557	"	27	Change entire line to read "the Russian government, on their own, considered it advisable to have people of the occupied countries committed to".
7558	7670	13	"It has" should be "It was".

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Item No.	Transcript Page	Line(s)	Proposed correction
7559	7670	19	"marking of an" should be "marking for".
7560	7671	23	"document" should be "documents".
7561	7672	30	"Book No. 11," should be "Book No. II,".
7562	"	31	"Book No. 111," should be "Book No. III."
7563	7674	4	"and Exhibit 122." should be "I offer as Exhibit 122."
7564	7675	16	Change "even a temporary" to "an arbitrary".
7565	"	18	Change "employment" to "recruitment".
7566	"	21	First word "industry" should be "economy".
7567	7676	24	Insert "which" after "powers".
7568	7677	14-15	Change "extends his jurisdiction to the Gauleiter" to read "appoints the Gauleiters as his representatives".
7569	"	18	"was alone" should be "were alone".
7570	"	25	Delete "That" and begin sentence with next word "The". Insert "and" after "German".
7571	"	26	"be settled," should be "is settled in detail,".
7572	"	28	"and the German" should be "and of the German".
7573	"	31	Change "and emphasis is laid on" to read "and considering the emphasis of such provisions and".
7574	7678	1	Change period to comma after "industry". Next words "This decree has probably" should be "this decree probably".
7575	"	2	"see that foreign" should be "see to it that for foreign".
7576	"	4	Place period after "done". Delete next words "for them."
7577	7679	13-15	Change from "about" in line 13 through end of paragraph in line 15 to read "about the necessity for German industry to employ foreign workers, a necessity caused by the war conditions and the policy of the National-Socialist regime."
7578	"	19	Change "he was" to "they were".
7579	7681	20	"41, 135 and 42" should be "40, 135 and 41,".
7580	"	22	"41 will be 135, 42 will" should be "40 will be 135, 41 will".
7581	"	32	Change period to comma after "141". Change rest of line to read "and concerns the same matter,".

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Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
7582	7684	18	"document" should be "documents".
7583	"	23	"225 grams meat, etc." should be "450 grams meat for a week, etc."
7584	"	25	Delete "to" before "take".
7585	7685	4	Change line 4 to read "comparison of the rations."
7586	"	17	Change period to comma after second word "excerpt".
7587	"	28	"and I think that it is" should be "I think are".
7588	7686	18	Change comma to semi-colon after "163". Delete semi-colon at end of line.
7589	"	19-20	"This is an affidavit" should be "These are affidavits".
7590	"	22	"Land Economy" should be "Agricultural Economy".
7591	"	23	Change comma to semi-colon after "165".
7592	"	24	Change semi-colon to comma after "60". Place semi-colon after "166".
7593	7637	16	Insert "the legal regulations on" after "concerning".
7594	"	28	"they are assigned to the " should be "their care is assigned exclusively to the".
7595	7690	5	"Document 120." should be "Document 220."
7596	"	14	Add "and other Reich Agencies." at end of line after "G.B.A."
7597	7691	3	Insert "The strict separation of the workers during their work is no longer required." after first word "alleviated."
7598	"	7	Insert "For reasons of security" before "these marks".
7599	"	8	Place period after "war" and delete next word "commitment."
7600	"	16	"document 89" should be "document 79".
7601	7692	6	Change period to comma after "too". Change rest of line to read "that is, the KL factories."
7602	"	28	Last word "regulating" should be "regulation"
7603	7698	7	Delete "MR. MINSKOFF:".
7604	7701	25	"it has stated" should be "it stated".
7605	7702	17	Delete first word "it".

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Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
7606	7703	10	"with the party," should be "with any party."
7607	7706	4	Change "That was in 1942." to read "Until 1942."
7608	"	17	"November 1943," should be "November 1942,".
7609	7708	18	"I am not" should be "I was not".
7610	7709	1	"they are piled" should be "they were piled".
7611	7711	28	Place period after "often. Begin new sentence with "When".
7612	7712	7	Place quotation marks after "Raus,". Change quotation marks to parenthesis before and after "get on". Place quotation marks before "this freight".
7613	7714	8	Delete first word "Koenig,".
7614	7717	23	Delete the following: Well, that is what I said, "inmates".
7615	"	31	"they were" should be "some were".
7616	"	32	Last word "fort" should be "forth."
7617	7720	25	"I work with Command II," should be "I worked with Detachment II,".
7618	7721	13	Insert "and" after "civilians".
7619	7722	3	Place comma and insert "or perhaps" after "per cent".
7620	"	23	"Schoeth" should be "Schoettl".
7621	"	25	Place quotation marks before "well". Also place comma after same word.
7622	"	26	Place comma and quotation marks after "at all". Also place quotation marks before and comma after "well".
7623	"	27	Place comma and quotation marks after second word "then".
7624	7723	10	"that is enough" should be "it is enough".
7625	"	14	"detachment" should be "detachments".
7626	"	22	Place "A." before first word "Your".
7627	"	23	First word "question." is end of answer. Begin a new paragraph with: "Dr. SEIDL: Your Honor, ..."
7628	7724	16	Place comma after first word "down".
7629	7726	12	"inmates" should be "inmate".
7630	"	23	First word "A.." should be "All".
7631	"	30	Place comma after "your answer".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
7632	7727	1	"for that reason" should be "for the reason that";
7633	7728	11	"Partly on" should be "Partly to".
7634	7730	12	Last words "when the" should be "where the".
7635	"	17	Last word "got." should be "had."
7636	7734	18	Insert "of prisoners of war," after second word "workers".
7637	7735	29	"to increase considerable." should be "to be increased considerably."
7638	7736	10	Insert "of the main committees and main cartels and" after "authorities".
7639	"	25-26	Change "in every case of need." to read "in all cases of the examination of the requirements."
7640	7737	15	"Document 211," should be "Document 221,".
7641	"	17	Change "Gazette" to "Code".
7642	"	23	Change "exception" to "commission of the crime."
7643	"	30	"which was" should be "which were".
7644	7738	1	Place comma after "law". Delete comma and add "or in case of special military assignment," after "war" at end of line.
7645	"	2	Delete "called".
7646	"	12	Insert "No. 142, Exhibit 217," after "document,".
7647	"	13, 18	"to enemy" should be "to the enemy".
7648	"	14	Change "Law Gazette," to read "Law Code. Through a". Place comma after last word "error".
7649	"	15	Change first words "made this passage" to read "the reference is given as".
7650	"	16	Change "dated" to "from".
7651	7739	17	"document" should be "documents".
7652	7740	2	Change "people having" to "competent men issuing".
7653	"	6	Add "only" after last word "not".
7654	"	25-26	Change period to comma after "Fleischmann". Continue the sentence with "which shows that according".
7655	"	30	"internation" should be "international".

Item No.	Transcript Page	Lin(e)	PROPOSED CORRECTION
7656	7741	1	Change line 1 to read "I refer to an excerpt, already submitted, from the book of Cheney Hyde."
7657	"	5	Insert "doctrine of international law of the" after second word "the".
7658	"	15	Insert "for" after second word "that". Change last words "in his relationship," to read "with respect to relations".
7659	"	16	Place comma after "countries". Change next words "concerning penal and civil law," to read "for instance also in penal and civil law cases,".
7660	"	19	"might ask" should be "might I ask".
7661	7742	14	Change period to comma after "War I".
7662	7746	2	Place comma after second word "doing". Delete next word "was".
7663	"	9	Last words "it is not" should be "they are not".
7664	7747	31	"36" should be "136".
7665	7748	19	Change comma to period after first word "(possible)". Delete "that" and begin new sentence with "The valid moral law in the United States". Delete "decisive moral law".
7666	"	27	Insert "as" after "acted".
7667	7751	16	Insert "of the conditions" after "in view". Delete "times".
7668	7753	15	Insert "came" after "study".
	"	21	"teaches" should be "teachers".
7669	7754	4	"Gotta Meyer" should be "Kurt Hans Meyer".
7770	7755	5	Insert "and head of the intermediate products groups" after "laboratories".
7771	"	7	Insert "of the English Book," after "20,".
7772	7755	23	"fermentation" should be "ferments".
7773	"	25	"Buesscher," should be "Buecher,".
7774	7757	13	Place comma at end of line after "dyestuffs".
7775	"	14	Delete dashes at beginning of line. Place comma and dash after "products".
7776	"	25	"that is dyed," should be "that can be dyed,".
7777	7760	12	"commit your" should be "commit you to".
7778	"	31	Change "Document Book," to "OA 115, Exhibit 25, page 41 of the English Document Book."

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
7679	7761	13	Second word "ward," should be "award,".
7680	7762	9	Delete "and" after "circles".
7681	7765	15	Insert "Advisory" before "Council?"
7682	"	16, 17	"committees." should be "conferences."
7683	"	18	"their meetings?" should be "these conferences?"
7684	7766	11	"but you were interested" should be "but that you were interested also".
7685	7767	14	Place comma after "leather". Delete next word "soles,".
7686	"	23	"Mr. Hegler." should be "Mr. Hedler."
7687	7768	5	Change "even if we had not had any money" to "since we had no money".
7688	"	27	"Chemie Francais" should be "Chimie Industrielle".
7689	7769	11	Delete semi-colon after "Farben". Place period after "conferences". Begin new sentence with "That was".
7690	7770	5	"German" should be "Germany".
7691	"	11	"In was the foreign countries" should be "It was the foreign concerns".
7692	7772	20	Delete quotation marks after "complaints".
7693	7773	16	Change "calcium" to "lime".
7694	7775	11	"known that" should be "knows that".
7695	"	31	Change "When I was first married, I" to read "We, a young married couple,".
7696	7776	23	"Krancolor" should be "Francolor".
7697	7777	26	Place comma after "took over".
7698	7779	12	Change "yeast products." to "tanning products."
7699	"	19	Place comma after "commission". Next words "of War," should be "the Waro,".
7700	7782	14-15	Delete "Document OA-133, Exhibit 37, on Page 121 of the Document Book,".
7701	"	17-18	Change semi-colon to period after "Document Book". Delete "and finally, OA-135, Exhibit 140, Page 125 of the Document Book."
7702	7783	4-5	Change "the agent for raw material products;" to read "the washing agents commission,".
7703	"	6	First word "many" should be "several".

7704	7784	4	"first a engineer." should be "a first engineer."
7705	"	5	"There was the leader" should be "There were the leaders".
7706	"	10-11	"business" should be "commercial".
7707	"	17	"our table." should be "our desk."
7708	"	22	"individually" should be "independently".
7709	7785	6	Insert "— let us say —" after "he had".
7710	"	10	Insert "I" before last word "would".
7711	7786	9	Insert "This was an operating company, or better a lease company." after "Anorgana GmbH."
7712	"	11	"There" should be "Then".
7713	"	15	Change "Pahl." to "Marl."
7714	"	18	Change "Ruhr with the Theo Goldschmidt" to read "Ruhr-Chemie, the Goldschmidt".
7715	"	21	Change "calcium" to "lime".
7716	"	21-22	Change "I was an Aufsichtsrat" to read "I allegedly was on the Aufsichtsrat".
7717	"	22	Change "calcium" to "lime".
7718	"	23	"these foreign plants, as you stated" should be "this foreign plant, as I stated".
7719	"	28	Place question mark after "Vorstand". End of Question and of paragraph. Follow with answer "A. Yes." Delete "whilst" and use rest of line for new question beginning with "Q. In most ..."
7720	7787	9	"you active" should be "you fully active".
7721	"	26	Change period to comma after "credits". Change "I knew about all" to read "that is,".
7722	"	27	First word "plant." should be "stage."
7723	7788	6	Delete "more or less".
7724	"	30	Delete "Q. And did you remain in Gendorf?" (Repeated on page 7789).
7725	7790	19	Place comma after "112".
7726	7791	1-2	Change "attitude towards" to read "position concerning".
7727	7792	10	Insert "mass" after "technical".
7728	"	21	Insert "to have" after "we had".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
7729	7793	13	Delete "the" before "motorization".
7730	"	22	Change "calcium" to "lime".
7731	"	23	Insert "carbide" after "acetylene". "we produce four stages of Buna." should be "we produced Buna."
7732	7794	8	Delete comma after "plant".
7733	7795	14	Place period after "mechanized". Delete next word "and" and begin new sentence with "The lower".
7734	7796	4	"partly as" should be "partly at".
7735	7797	20-22	Change from "way" in line 20 through end of line 22 to read "way, in conformance with their profession; that was the technical term. Just to give an example: one doesn't use an interior decorator in a carbide oven. One uses him when".
7736	"	27	Delete last word "porse".
7737	7798	2	Insert "NO." before first word "There".
7738	"	6	"how they came" should be "as came".
7739	"	7	"how they came from Poland into" should be "as came from Poland during".
7740	"	20	Delete "in order". Also delete "produce its". Place quotation marks at end of line.
7741	7801	12	"20,000" should be "120,000".
7742	"	18	"a central" should be "the central".
7743	"	32	Change period to comma after "Huels".
7744	7802	1	"the partial solution. We" should be "a partial solution although we".
7745	"	9	Delete comma and insert "in" after "recollection".
7746	"	16	"Expansion for" should be "Expansion or".
7747	7803	22	Place comma after second word "teams".
7748	"	30	Change "if it had been" to "with".
7749	7804	17	"as OA document." should be "as a document."
7750	7805	3	Change "entertainments," to "representations,".
7751	7807	1-2	Delete entirely as repetition.
7752	"	19	"Add "the" after last word "visited".
7753	"	26	"Are you not" should be "Were you not".

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Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
7754	7808	16	"For the same" should be "For the sake".
7755	7809	17	Place comma and add "the" after last word "Croatia".
7756	7811	21	"with German, prisoners of war, French" should be "with Germans, with prisoners of war, free French".
7757	7812	5	After sentence ending "out of bed," insert "Nourishment was good and adequate and better than the normal nourishment of the German civilians. Breakfast for instance consisted of warm milk and white bread: Medical care, cleanliness and hygiene of the hospital were the same as in other German hospitals."
7758	7813	10	Change "now," to "then,".
7759	"	26	Change "Plant 5," to read "foreign workers and the American Military Government,".
7760	"	32	"1946" should be "1936".
7761	7814	6	Place period after "prisoners of war". Change "and pictures" to read "I report about".
7762	"	7	"as given" should be "is given".
7763	"	18	Place quotation marks after last word "wishes".
7764	7816	4	"was a firm," should be "was an independent firm."
7765	"	5	"was a GmbH." should be "was an independent GmbH."
7766	"	30	Insert "and was weak," after "there".
7767	7817	30	Change "included the" to read "summed up the".
7768	"	32	"there were national economy ideas in this" should be "there were naturally national economy ideas, and also the".
7769	7818	14	Change semi-colon to dash after "Buna".
7770	"	15	Insert dash after "chart" and change next word "on" to "needed".
7771	"	22	"achieved" should be "one could achieve".
7772	7819	8	"became Rattztiz" should be "was Rattwitz".
7773	"	9	Insert "unwillingly" after "Farben".
7774	7820	16	First word "role?" is end of question and paragraph. Insert answer "A. Yes." Use rest of line as new question beginning "Q. What orders..."

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
7775	7820	29	"air-raids." is end of answer and paragraph. Insert a new question reading "Q. But you do not know this?" Then follows new answer with "A. No. This opinion ..."
7776	7821	22	Change "calcium" to "lime".
7777	7822	8	Add "is" after last word "that".
7778	7824	16	"so stop" should be "so as to stop".
7779	7826	10	Third word "now" should be "no".
7780	"	27	"plant now." should be "plant then."
7781	7827	8	"it had" should be "I had".
7782	"	10	"to take" should be "to have".
7783	"	13	Change "might have any influence on the construction" to read "could lead to penal proceedings".
7784	"	14	"OA 301," should be "OA 304, Exhibit 71,".
7785	"	15	Change period to comma and insert "Part I, the decree for the execution of the Four Year Plan from October 18, 1936." after first word "Gazette".
7786	"	25	Insert "the regulations of" after "implementation of".
7787	7830	5	"do you bear" should be "did you bear".
7788	"	17	"There was no more" should be "There were no more".
7789	7831	14	"and to study" should be "in order to study".
7790	"	15	"some experience gradually" should be "great experience".
7791	"	16	Change line 16 to read "projected ten plants in Germany, and had studied construction sites for Buna plants in Russia, France and even in America, so that maps could".
7792	"	21	Insert "at Auschwitz." after "Buna works".
7793	7832	3	Insert "Buna" after first word "A". Also insert "A Buna plant depends on traffic connections." after "an hour."
7794	"	7	Change "I found on the map a place where three" to read "The map shows me that three".
7795	"	8	Change period to comma after "Przemsza". Continue sentence with "that east of".
7796	7833	2	Delete first three words "a town Baraky,".

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Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
7797	7833	6	"I had heard that" should be "I heard later that".
7798	"	7	Change line 7 to read "an Austrian detachment was there. And later when the area became".
7799	"	8	Change period to comma after first word "Polish". Continue sentence with "a detachment".
7800	"	29	Place comma after "1940".
7801	"	30	Delete first word "and".
7802	7834	11	Place comma after "level" and delete next word "and". Also place comma and insert "but" after "to me".
7803	"	13	Place comma after "to tell me that". Delete comma after next word "for".
7804	7835	13	"Auschwitz was" should be "was Auschwitz".
7805	7837	2	"OA-359" should be "OA-309".
7806	"	8	"OA-1310" should be "OA-310".
7807	7838	10	Last word "were" should be "where".
7808	"	17	"We had sale" should be "We had salt".
7809	"	27	"these commissions" should be "this commission".
7810	"	29	Insert "in the decisive days" after "January".
7811	7839	1	Change "factor" to "map".
7812	7840	2	"about concentration camps" should be "about the concentration camp".
7813	7840	3	Insert "with Mr. Bracht." after "discuss it".
7814	"	14	"Dr. Biefeli," should be "Dr. Biefeld,".
7815	"	15	Change "entire trip." to "events."
7816	"	16	"this book." should be "book 72."
7817	"	27-28	Change from "Sociologically," in line 27 through "workers" in line 28 to read "from the sociological point of view, the most ideal crew you can find, workers".
7818	"	29	Insert "you believed that" after "correctly,".
7819	7841	1	Insert "We" before "in the west". Also change "we drafted" to "received".
7820	"	12	Change comma to period after "Exhibit 86". Begin new sentence with "From".
7821	"	13	Change period to comma after "OA-320". Continue sentence with "it seems".
7822	7842	2	"Mr. Hiepke," should be "Mr. Hoepke,". Change "Farben" to "that he".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
7823	7842	3-4	Change lines 3 & 4 to read "that from Jews or Poles who are living there people are to be assigned for the work of surveying."
7824	"	10	Change "it came quite definitely," to read "it happened quite differently." Begin new sentence with "Can you".
7825	"	17	Insert "This happened" before first word "through". Change "it stated" to read "in which it is stated".
7826	"	18	"Mr. Reichsmarschall" should be "the Reichsmarschall,". "decrees" should be "decreed".
7827	"	30	"wearing uniform." should be "wearing a uniform."
7828	7843	1	"or Wirth" should be "of Wirth".
7829	"	4	Insert "as I described before" after first word "Because".
7830	"	13	Last word "into" should be "over to".
7831	"	14	"the mayor's office," should be "the labor office,". Change "that efficiency it" to read "that agency which".
7832	"	15	Change "Chemical Development, but" to "Economic Development. But".
7833	"	17	First word "provisional" should be "provincial".
7834	"	22-23	Insert after line 22 and before line 23: "A. At this time the construction management received a letter from the Reich Office in which they were asked to give an estimate as to how many workers were needed and for what phases." Follow with "This same ..." in line 23, deleting "A." before it.
7835	"	24	"to say those agencies which were" should be "to say to those agencies which after all were".
7836	7844	2	"will be" should be "was to be".
7837	"	18	"side," should be "site," Begin new sentence with "The construction".
7838	7845	8	Change period to comma after "tracks". Delete next word "in". Also change comma to period after "barracks". Begin another sentence with "This work".
7839	"	31	Change "knowledge of Concentration" to read "not of the Concentration".
7840	7846	7	"that is, what I must assume today is" should be "and I must assume today".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
7841	7847	2	Change "to take care of" to "to get information"
7842	"	32	"should also" should be "would also".
7843	7848	4-5	Change "The atmosphere as if it was potienkin facade." to read "This was the atmosphere even if it was a Potemkin facade."
7844	"	7	Change "these other impressions you had?" to read "the real conditions which no doubt were quite different?"
7845	"	8	Change "a facade. I saw," to "a Potemkin village which was shown to me."
7846	"	13	Delete first words "When I was there". Insert "at that time" after "think".
7847	"	14-15	Change "It is one of many statements I made" to read "This letter is one of many letters I wrote".
7848	"	16	"my correspondence" should be "my personal correspondence". Place comma after "Ter Meer".
7849	"	16	Change "is my nature, between two trips," to read "is perhaps my nature, quickly written between two trips,".
7850	7849	1	Insert "the concentration camp of" after "visit".
7851	"	3	"In 1931" should be "In 1941".
7852	"	6	Insert "the concentration camp of" before "Auschwitz".
7853	"	19	Change "First it" to "Visits".
7854	"	20	"I used to stay" should be "I stayed".
7855	"	29	Change "Grossl" to "the large one.". Delete last word "You".
7856	"	30	Insert "Q. You" before first word "have".
7857	7850	1	The first "Monowitz" ends the question. Make new answer and new paragraph with "A. You said Monowitz, didn't you?" at end of line.
7858	7853	4	"What does the word" should be "What does the word".
7859	"	18	Second word "does" should be "do".
7860	"	28	"that is not" should be "that are not".
7861	7854	5	First word "building" should be "build".
7862	"	9	Place period after "Reich". Begin new sentence with "For only".
7863	7855	9	"cyanol," should be "synol,".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
7864	7855	23-24	Change from last word "As" in line 23 through line 24 to read "Was the plant finished according to this plan, or is anything lacking?"
7865	"	30	Change "in operation" to "finished".
7866	7856	13	"Montan plants," should be "Montan plant,".
7867	7857	14-15	Change "in order to get into that position" to read "for legal matters,".
7868	"	31	"We saw" should be "They saw".
7869	"	32	Change "Auschwitz" to "the construction firms".
7870	7850	1	"assignment," should be "cement,".
7871	7859	8	"Mr. Braus," should be "Mr. Faust,".
7872	"	22	Change "Q." to "A." at beginning of line.
7873	7860	8	"in addition those 2,000 men were" should be "in addition 2,000".
7874	"	14-15	Change "The intention was always to get," to read "There was always a graduation;".
7875	"	27	Insert "Commitment" after first word "Labor".
7876	7861	11	"certain" should be "certainly".
7877	"	20	"OA-449," should be "OA-414,".
7878	"	27	Delete question mark after "mind" and add "to get rid of the whole construction site under these circumstances?"
7879	7862	14	Last word "partically?" should be "partially?"
7880	"	17	Place comma and insert "Armament Construction Speer" after "organization". "Speer was" should be "Speer was not yet".
7881	"	22	Change last word "this" to construction".
7882	"	23	"and the cheap materials, sandstone" should be "and cheap materials, sand, stone,".
7883	"	28	"would be" should be "should be".
7884	7863	6	Change "to get this permission." to read "to get rid of the construction site Auschwitz".
7885	"	13	Change last two words "These are:" to "I submit".
7886	"	14	Insert "Exhibit 99 and OA-421 as" before "Exhibit 100."
7887	"	21	Add "the construction of" after last word "over".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
7888	7863	27	Change question mark to comma after "arrived". Change next words "Was this built" to "undertaken".
7889	7864	9-10	"Sparte I for Leuna, Sparte II for Buna." should be "Sparte I for the Leuna part, Sparte II for the Buna part."
7890	"	15	Change "social welfare director," to "the man in charge of social welfare matters,".
7891	"	20	Delete "the" before "documents."
7892	7865	10, 11	"individual camps" should be "camp of Monowitz".
7893	7866	3-4	"had given a witness here." should be "have given as witnesses here."
7894	"	5	Place comma and insert "black marketeering," after first word "misappropriation".
7895	7869	14	Insert "in charge" after "the man".
7896	"	19	"Exhibit 194." should be "Exhibit 104."
7897	"	21	"Exhibit 195;" should be "Exhibit 105;".
7898	"	22	"in plan the" should be "in the plan of the".
7899	7870	4	"Exhibit 197," should be "Exhibit 107,".
7900	"	7	Insert "construction" before "management".
7901	"	15	Insert "of this sort" after "letter".
7902	"	31	"make" should be "to make".
7903	7871	2	Insert "German" before "employees".
7904	"	5	"for office" should be "and office".
7905	"	6	Change "Both clerical and especially as" to read "Neither as to members and especially not as".
7906	7872	2	Insert "bad" after "describing the".
7907	"	11	"will be" should be "would be".
7908	"	21	"the same state" should be "the same fate".
7909	"	22	Change line 22 to read "Q. But you were always asked to observe the time limit?"
7910	7873	8	Insert "the construction site of" after "includes".
7911	"	12	Change last words "it will seem to show" to read "for". Insert "it seems impossible that such an" after "Germany". Delete next word "the".
7912			

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Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
7913	7873	14	"which are" should be "were".
7914	"	18	"for sectors;" should be "four sectors;". "OKW for the prisoners," should be "OKW, Stalag for the prisoners of war,".
7915	"	21	Insert "the attorney general," after "Gestapo,".
7916	"	24	Change "the left," to "the right,".
7917	"	25	Place comma after last word "effect".
7918	"	28	"pages 56" should be "pages 59".
7919	7874	1	Add "labor commitment for" after last word "for".
7920	"	2	Change "set is divided" to "site is provided".
7921	"	4	"say at the top" should be "say that at the top we have".
7922	"	5	Change first word "Plain," to "plane,".
7923	"	9	Change first words "are taken" to "came".
7924	"	10	Change last words "work was not done by" to read "workers there were not taken care of by".
7925	"	12	Place period after first word "bar". Begin new sentence with "At the". Change period to comma after "bottom". Continue sentence with "at the left".
7926	"	23	Place comma after "predominately". Change next word "toward" to "also towards".
7927	"	24	Place comma after first word "and".
7928	"	29	"is actually" should be "was actually".
7929	"	30	"goes" should be "went" (twice).
7930	7875	1	First word "Does" should be "Did".
7931	"	9	Change last words "by the way," to "on the left."
7932	7876	15	"showing" should be "showed".
7933	"	16	"salt and line" should be "salt and lime".
7934	7878	3	"316," should be "1316,".
7935	"	12	Place period after second word "offices" and delete next words "from Frankfort, from Berlin." Insert "from Frankfort and Berlin" after "man-power".
7936	7879	4	"come to" should be "come in".
7937	7881	27	First word "should" should be "were to".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
7938	7882	17	"Scharnow." should be "Chrzanow."
7939	"	29-30	"bakery" should be "bakeries".
7940	7886	2	Place semi-colon after "about it".
7941	7887	12	Change "discussion" to "suggestion".
7942	"	31	Insert "in comparison with that," before "their employment".
7943	7888	5	Change comma to period after last word "home".
7944	"	6	Begin new sentence with "Although". Change period to comma after "forbidden". Continue sentence with "he could".
7945	7890	5	Change "that is," to "respectively,".
7946	"	8	"to be advising" should be "to be the advising".
7947	"	20	Insert "only" after "Farben,".
7948	"	30	"document books," should be "document book V,".
7949	7891	3	Last word "plant," should be "plants,".
7950	"	9	"forms," should be "firms,".
7951	"	17	Delete period after first word "charge". Change next words "When all these factories are constructed" to read "for the construction of all these factories".
7952	7891	18	Change comma to period after "box". Begin new sentence with "They have", "tasks" should be "task".
7953	7892	2	Second word "as" should be "when".
7954	"	12	Delete periods after last word "constructed", and continue sentence with "let us" in next line.
7955	"	18-19	Change "There was a lease company for this job for whose operation the OKH was responsible." to read "Farben chose a lease company for this job, in whose Aufsichterrat, with full responsibility, were representatives of the OKH."
7956	"	19	Delete period after last word "mission" and continue sentence with "assignments" in next line.
7957	"	22	"appointed an Aufsichterrat consist(ing)" should be "and an Aufsichterrat was appointed consist(ing)".
7958	7893	25	"were projected" should be "were partly projected".
7959	7894	14	Place quotation marks before "the purpose".

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Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
7960	7894	17	Place quotation marks after "Industry," "that so far as Luranil" should be "that went so far that when Luranil".
7961	7895	1	Insert "as to what" after "so far".
7962	7896	14	Delete "which" after "program".
7963	7897	24	Insert "but" after "available".
7964	7898	13	"as investiga(tor)" should be "an investigator".
7965	7900	10	"as Gendorf" should be "at Gendorf".
7966	"	12	"it had," should be "and had,".
7967	7902	25	Place quotation marks after "employed,"
7968	7903	19	"Dr. Bartung," should be "Dr. Hartung,".
7969	7906	21	"how come" should be "how was it that".
7970	7909	26	First word "produced" should be "produces".
7971	7911	4	Delete (/?)
7972	7913	23-24	"but when all the Buna plants were built, one had" should be "and when one has built all the Buna plants, one has".
7973	"	25	First word "was" should be "is".
7974	7916	10	"I know that the first difficult task was this," should be "I knew that this was the first difficult task I had to solve,".
7975	"	11-12	Change "it first, since it was then" to read "the first signs".
7976	"	14	"succeeded now." should be "succeeded then."
7977	"	19	Second word "charge" is end of Question. Follow with answer reading "A. Yes." Begin question with rest of line "Q. But it seemed ..."
7978	7918	1-6	Delete entirely lines 1-6 as repetition from preceding page.
7979	7919	21	Insert "from diglycol and powder." after "Dinitrate".
7980	"	27	Insert "and" after "preliminary".
7981	7920	7	Place quotation marks after "powder."
7982	"	17	Change "power." to "resistance."
7983	"	27	"shows what" should be "shows that".
7984	7927	31	"I shall have" should be "I myself shall have".
7985	7928	1	Delete third word "then".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
7986	7933	30	Delete second word "and".
7987	7935	17-18	Delete entirely lines 17 & 18.
7988	7936	5	Change question mark to period after "myself of".
7989	7939	18	"that you ask" should be "for you to".
7990	"	27	"Permitted" should be "I permitted".
7991	7941	26	"of any" should be "or by any".
7992	7948	8	Change "decontamination." to "disinfection."
7993	7951	5	Last words "or what he" should be "or that what he".
7994	"	25-26	Insert after line 25 and before line 26: "Q. Witness, do you actually claim that buying foodstuffs secretly in Germany was punished by the Gestapo?"
7995	7956	21	"and told me" should be "they told me".
7996	7961	16	"cost of arms" should be "coat of arms".
7997	"	30	Second word "not" should be "now".
7998	7965	11	"an army plant." should be "a diglycol plant."
7999	"	19	Second word "for" should be "from".
8000	7965	10	"Mr. Renkenbach" should be "Mr. Rinkenbach".
8001	7969	2	Insert "at Ludwigshafen" after "was begun".
8002	"	15	"were also" should be "should be". Also insert "and" before "we were glad".
8003	7970	3	Last word "goad" should be "goal".
8004	7975	6	Change last word "report." to "discussion."
8005	"	10	"Mr. Fuerck;" should be "Mr. Virck,".
8006	7978	1	Insert "leading to" before "plastics,".
8007	"	2	"branches of" should be "branches leading to".
8008	"	13	Delete "pharmaceuticals,".
8009	7979	26	Delete question mark after plants and complete sentence with "or to request production from Ludwigshafen?"
8010	7980	24	Delete quotation marks after last word "developed."
8011	7981	1	Place quotation marks at beginning of line.
8012	7982	21	Insert "page 73 of the English." after "Exhibit 628,".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
8013	7984	3	Change period to comma after "on this".
8014	"	4	This is the continuation of the sentence in line 3 and should begin with "without going".
8015	"	5	This is not a new question, but a continuation of question begun in line 2.
8016	"	7	"these plants." should be "this plant."
8017	"	11	"delivery" should be "deliver".
8018	"	14	"out contracts," should be "our contracts,".
8019	"	15	Place comma after "discussing".
8020	"	17	"to become" should be "to get on".
8021	7986	25	"to go into" should be "go into".
8022	"	26	Delete comma after "show that". Also delete comma after "contrary".
8023	"	29	Last word "diglycol." should be "glycol."
8024	7988	22-23	Insert after line 22 and before line 23 "the chemists were searching for a new intermediate product for detergents."
8025	"	24	Begin new sentence with "The nature". Insert "is" after "chemistry".
8026	7990	11	Change "statement about" to "urgency of the official agencies to carry out".
8027	"	18	First word "can" should be "could". "I know it that" should be "I know that".
8028	"	31	Insert "in Germany" after "employ it".
8029	"	32	Delete "two synthesis processes in Germany,"
8030	7991	12	Change "message" to "order".
8031	"	19	"four laboratory" should be "small laboratory".
8032	"	21	"Hoechst" should be "Huels".
8033	"	31	"in the D-Lost." should be "of D-Lost."
8034	7993	2	"plant plans" should be "rapid plans".
8035	7994	1	Change line 1 to read "then the final figures in their conclusions are incorrect?"
8036	7995	9	"sould like" should be "would have liked".
8037	7996	16	"No. Two." should be "World War II."
8038	7997	1	Insert "chemical" after "intermediary".
8039	7998	4	"inmates" should be "inmate".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
8040	8000	4	Insert "36," after second word "Book".
8041	"	11	"S-Substance" should be "X-Substance".
8042	"	15	Change "commission" to "chemist".
8043	"	19	"about it" should be "about them".
8044	8001	13	Change "private enterprises" to "industrial economy".
8045	8002	8	Place comma after "staff" and delete next word "of".
8046	8003	7	"a ignition gas," should be "a special gas,".
8047	"	12	Second word "cases" should be "case".
8048	8004	17	Change "in that direction?" to read "to gain your assistance?"
8049	8005	1	"that was advisable, to" should be "it advisable not to".
8050	"	13	Place period after "Journal". Begin new sentence with "On the".
8051	"	14-15	Change period to comma after last word "Law" and complete sentence with "I have a few documents." in line 15 (No paragraph).
8052	"	21	"contents." should be "contends."
8053	8006	2	"12,000, and 80" should be "12,000 tons, 80".
8054	"	14	Insert "and he says" after "position".
8055	8007	6	Add "outbreak of" after last word "the".
8056	"	16-17	Insert "business" after first word "into" in line 16. Delete "in business contacts that is,".
8057	"	26	Change "the war picture was" to read "the picture of the negotiations was".
8058	8008	1-2	Delete "of the Reich,".
8059	"	5	Place comma after last word "agents" and add "resins, and lacquers and the" after same word "agents,".
8060	"	6	Delete first two words "in the".
8061	8010	10	"OA-861," should be "OA-801."
8062	"	11	Insert "who" after "Roell,". Delete "who" after "1943".
8063	"	12	Place comma after "projects". Change following words "as Custodian" to read "and who is now plant leader and custodian".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
8064	8010	15-16	Change from "Francolor" in line 15 through end of line 16 to read "Francolor, on the result of the conference of the technical committee of Francolor at Ludwigshafen, is".
8065	"	17	Delete quotation marks before "At this".
8066	"	18	Delete quotation marks after "Francolor".
8067	"	19	Delete first word "now".
8068	"	23	Place quotation marks after "Ambros."
8069	"	24	Delete quotation marks before first word "As".
8070	"	26	"carries out" should be "carried out".
8071	8011	25	"(Ex)hibit 17." should be "(Ex)hibit 173."
8072	8012	13-14	Delete "any such product".
8073	"	17	Change "we used our" to "we gave our".
8074	"	21	"can be uded" should be "can be used".
8075	8013	13	"1943." should be "1942."
8076	"	21	Change "same stops" to read "measures of technical care".
8077	"	23	Insert "to" after "Yes,".
8078	"	25	Change "Grebois," to "Grillet,".
8079	"	28	Delete "the" before "pleasant".
8080	8014	15	Add "the frame of" after last word "in".
8081	"	27	Insert "or," before "for example,". "centralites, production" should be "centralite products".
8082	"	28	"was continued." should be "were continued."
8083	"	29	"gunpowder produced; was" should be "whether gunpowder was produced; were".
8084	8016	23	Place period after "plant". Change next word "so" to "In order".
8085	"	24	Change period to comma after "knew". Continue sentence with "the".
8086	8017	12	Add "The volunteers could go on leave too," after last word "regulated."
8087	8018	1	Change comma to semi-colon after "position".
8088	"	2	"I thought" should be "I felt". Change "because it was" to "and it was".
8089	"	3	"French firm," should be "French firms,".

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Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
8090	8018	8	"named Bo" should be "named Beud".
8091	8019	2	Change period to comma and insert "Exhibit 182." after "QA-811".
8092	"	10	Insert "The next document QA-813 is Exhibit 184, and the next document QA-814 is Exhibit 185." before last two words "I should".
8093	"	13	Place comma and insert "QA-815," after "Exhibit 186".
8094	"	15	Place quotation marks before "in the matter".
8095	"	19	Insert "at present impossible, nor may we discharge any. The labor offices have made it" after third word "is".
8096	"	20-21	Change "are already working there." to read "have been trained by us.", with quotation marks after "us".
8097	"	26	Change "Do you not recall" to "Did you not regret".
8098	"	27	"letter of mine" should be "letter of many".
(Nos. 8100-8999 not used)			
8099	8020	6	"to get for these people" should be "to give these people their leaves".
9000	"	7	Insert "in" before "other ways."
9001	"	10	Insert "who are" after "workers".
9002	"	29	Last word "after" should be "at the end of".
9003	8021	6	Change "operating" to "appropriating anything".
9004	"	8	Change last word "you" to "and".
9005	"	9	Delete "first" before "Vorstand".
9006	"	19	"concert" should be "concept".
9007	"	20	"orderly" should be "elderly".
9008	"	23	"was a" should be "was as".
9009	8022	16	Insert "three or four men" before first word "who".
9010	"	18	Change second word "entry" to "expert". Also change last two words "from his" to "being".
9011	"	23-24	Change "to operate and" to read "in order to supply the Russian economic area and which".
9012	"	25	"in a relatively" should be "on the relatively". Insert "of" after "supply".
9013	"	26	Change line 26 to read "Germany but also Sweden, and the Balkans and Italy depended."
9014	"	27	Delete first two words "at least". Begin new sentence with "The".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9015	8024	3	Change period to comma and insert "Charkow." after "factory".
9016	"	12	Change period to comma after "sensible". Complete sentence with "to operate the factories."
9017	"	14	"Do you think" should be "Did you think".
9018	"	18	Change "came back" to "came to me early".
9019	"	20-21	Change "the officials suggestion came to consider, can this" to read "I suggested to consider, whether this". Insert "can" after "factory".
9020	"	21-22	"adopted" should be "adapted".
9021	"	24	Second word "sytreme" should be "styrene". "adopting Russian" should be "adapting Russian".
9022	"	26	"side of" should be "side with".
9023	"	29	Insert "the" before "German".
9024	8025	7	Place comma after second word "then" and delete next words "as to". Place comma after "factory". "founded" should be "found".
9025	"	9	Place period after "one" and delete next word "and". Begin new sentence with "There was".
9026	"	17	"chemists" should be "chemistry".
9027	"	23	Insert "principally" after "shows that".
9028	"	24	Insert "not" after first word "were". Change "a partner in any" to read "a planner".
9029	8027	9	First word "makes" should be "made".
9030	8029	19	"that he always" should be "but he always".
9031	8030	24	Insert "in August 1948," after last word "publication".
9032	8031	4	Place period after "about" and delete next word "it."
9033	8033	20	Change "Conseil d'Administration" to "foundation".
9034	"	24	Change "mutual cooperation and technical respect" to read "technical and commercial work".
9035	8034	10	Change "have a recollection" to "had a reputation".
9036	8035	18	Insert "I could make here, the OKH got knowledge of it." after "study which". Delete next word "was" and begin new sentence with "The".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9037	8036	4	"Prasser Prosper," should be "Brasserot and Prowper."
9038	8038	3	Insert "because of the danger of collision" after first word "scrutinized". Place comma after "Ludwigshafen" and delete next word "before".
9039	"	11	Delete question mark after "pressure" and complete sentence with "of official agencies?"
9040	8040	20	"to wish" should be "the wish".
9041	"	27	Insert "by orders," after "provided".
9042	8042	9	Add "This is the only thing I remember." after "rations."
9043	"	10	"We are not" should be "We are now".
9044	"	19	Did you see it?" should be "Did you see them?"
9045	"	21	"this document?" should be "these documents?"
9046	"	30,31	"Duerrfeld" should be "Duellberg".
9047	8044	21	Change "any access whatsoever to" to read "into consideration at all".
9048	8045	25	Change "permission" to "the order".
9049	8046	2	"in about 2 billion dollars" should be "of about 2 billion marks".
9050	"	3	Change "should now occupy themselves with" to read "would not be sufficient to take up".
9051	8047	4	Insert "about" after "Dr. Struss".
9052	8048	23	Delete comma and insert "for" after "Sparte II".
9053	8049	5-6	Change "questions dealing with housing of workers, dwellings for them, etc." to read "difficulties which arose then; and these qualities of social understanding, of a man with social understanding —".
9054	"	9	"the Farben workers" should be "the young Farben workers at Leuna".
9055	"	17	"shown" should be "proven".
9056	8050	8	Add "the camp" after last word "from".
9057	"	21	"of the inmates," should be "by the inmates,".
9058	8051	7	"begun" should be "began".
9059	"	17	Second word "defenses" should be "fences".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9060	8053	1	"six 6 x 8000 equal" should be "and 6 x 8000 equals".
9061	"	2	"4 x 4" should be "4 x 4000". Last word "equal" should be "equals".
9062	"	31	Second word "come" should be "came".
9063	8054	2	Change "the Eastern economy. To" to read "these surroundings for long range. Put".
9064	"	3	"resultion," should be "resolution,".
9065	"	4	Place period after "range". Delete next words "and, therefore,". Begin new sentence with "No such".
9066	"	5-6	Change lines 5 & 6 to read "Until the collapse there was only the concern to accomplish the order of the government; for you know the plant was never finished, no gram of Buna was produced, only part of the task was fulfilled."
9067	"	17	"should not be" should be "could not be".
9068	8055	1	"Is there" should be "Is this".
9069	"	2	"in what" should be "to what".
9070	8056	3	"from the GEBechem." should be "through the Gebechem."
9071	8058	5	"And it is" should be "and is it".
9072	8059	11	Insert "failed," after "venture".
9073	8061	7	Change last word "send" to "convert".
9074	"	8-9	Place comma after "product". Delete "but that might be possible to be converted".
9075	"	9	Insert "was possible," after "army product".
9076	"	10	Change "document. Whether" to read "document in order to see whether".
9077	"	12-13	Change comma to period after "mononitro-naphtaline" and delete following words "they are both centalits."
9078	"	20	"endicates" should be "you indicate".
9079	"	29	First word "any" should be "and". Place dash before "indicate —".
9080	8062	6	Third word "question" should be "questions".
9081	"	14-15	Change from "represented" in line 14 through "which" in line 15 to read "represented by the defense counsel for lacquer raw materials, plastics and other products, required for civilian consumption. We are concerned with the following products: pentactrite which".
9082	"	15	Delete "is" after "formaldehyde".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9083	8062	15	Delete "is" after "naphtylamine". Place period after "rubber".
9084	"	15-16	Change "and phenyl-naphtylamine" to read "Concerning pentastrite, it".
9085	"	17	"and no military compounds" should be "that no military compounds of any interest".
9086	"	20	"was to substitute" should be "as a substitute".
9087	"	27	"know whether" should be "know where".
9088	"	32	Third word "product" should be "products".
9089	8063	4	"when certain documents are" should be "in certain documents it was".
9090	"	7-8	Change from "produced" in line 7 through line 8 to read "produced, but with the aid of coal, Francolor was occupied in producing such things that not even a single air raid was necessary."
9091	"	24	Last word "never" should be "ever".
9092	"	26	"to colleague" should be "to his colleague".
9093	8064	5	Second word "product" should be "products".
9094	8066	3	"going since that" should be "going and since the".
9095	"	15	Place quotation marks after "1942."
9096	"	30	"fule," should be "fuel,".
9097	"	31	"such things" should be "such peace things".
9098	8067	3	Change "particular work" to "peace-time fields".
9099	"	4	Insert "and let only the German industries undertake the various war fields." after second word "production".
9100	"	5	Place quotation marks before "I" and change next word "keep" to "ask".
9101	"	6	Place quotation marks after "support..."
9102	"	9	"of workers in" should be "of German workers to".
9103	"	10	Insert "which are of decisive military importance." after "program" within the quotation marks.
9104	"	11	Delete "These are the German plants and". "I suggest" should be "I suggested".
9105	8068	3	"we can" should be "we cannot".
9106	"	5	"and conveys" should be "and many convey".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9107	8069	1	"you had only" should be "you only".
9108	"	19	Change first word "It" to "Buna SS or SS". Change semi-colon to period after "with the SS". Begin new sentence with "Furthermore".
9109	"	24	"therefore, remains" should be "therefore, there remains".
9110	"	27	"one more" should be "once more".
9111	8073	21	Change "This document reminds me of it," to "I recall this document,". Change comma to period after last word "Mr. Luchan".
9112	"	22	Delete "on the enclosures." "exhibit" should be "copy".
9113	8076	15	"if you fell" should be "if you feel".
9114	8078	20	"May it" should be "May I".
9115	"	29	"formal situation," should be "formaldehyde situation."
9116	"	31	Change "chemical agents." to "tanning agents." Insert "and the document are" after "index". Delete next word "is".
9117	8079	9	Add "He did not think of anything else." after last word "that".
9118	"	29	Delete "though" after "is the same".
9119	8080	6	"witness have" should be "witness has".
9120	"	21	Change dash to comma after "Army". Change comma to dash after "from this".
9121	8083	1	Insert "and deliveries to Germany," after "economy".
9122	"	18-19	Boulevard George Sand," should be "Avenue George V."
9123	8085	20	Delete "in France".
9124	"	21	Insert "of the Francolor plant" after first "machine".
9125	"	30	Insert "the" after first word "of".
9126	8087	7	Insert "— a military agency —" after "report".
9127	8088	2	"Kohnstein" should be "Constein".
9128	8089	23	Add "a" after last word "narrow".
9129	8091	12	Insert "so" after "believe".
9130	8092	13	Insert "was" after "army".
9131	"	29	Change "but not on my own." to read "but this was not prepared by me."

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9132	8093	1	Insert "as to" after "document".
9133	"	2	Change "has nothing" to read "is there anything".
9134	"	30	Delete "to work".
9135	"	31	"manufacturing plant" should be "manufacturing plan".
9136	8094	8	As above.
9137	8095	4-5	Place period after "production" and delete following words "demands in order". Begin new sentence with "To work".
9138	"	5	Change period to comma after "question". Continue sentence with "that was".
9139	"	7-8	Change "for raw materials." to read "at the Raw Materials Staff."
9140	"	11	Change "gasoline" to "alcohol".
9141	8097	7	Delete "almost" after "produced".
9142	"	22	Last two words "same amount" should be "small amount".
9143	8101	15	First word "answer," should be "question,".
9144	8103	2	Change last word "interrogated" to "asked".
9145	"	5	"Directive by" should be "By directive of".
9146	8105	2	Place period after "it was". Begin new sentence with "They spoke".
9147	"	12	Delete comma after "buna".
9148	"	13	Change first words "concerned me, but no" to read "for me concerned the field of". Delete "no" before "chemical".
9149	8106	12	"this as" should be "this is".
9150	"	21	Change first two words "the fields" to "the letters". Place comma after "concerned me" and change next word "in" to "like".
9151	"	22	Change "of them, for instance like" to read "of things, for instance, letters of".
9152	8107	4	"Exhibit 607," should be "Exhibit 609,".
9153	"	13	"we refer" should be "he referred".
9154	"	32	"these two reports" should be "there is a report".
9155	8108	1	Delete "I" after "charts".
9156	"	6	"seen that" should be "seen this".

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Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9157	8108	9	"German" should be "Germany".
9158	"	28	Place quotation marks before "A" at beginning of line.
9159	"	31	Place quotation marks before "Q." at beginning of line.
9160	8109	1	Place quotation marks before "A." at beginning of line.
9161	"	4	Place quotation marks before "Q." at beginning of line.
9162	"	6	Place quotation marks before "A." at beginning of line.
9163	"	7	Place quotation marks before "Q." at beginning of line.
9164	"	8	Place quotation marks before "A." at beginning of line. Also place quotation marks after "Yes."
9165	"	11	Change "over one-hundred pages in interrogations," to read "hundreds of pages in 30 interrogations,".
9166	"	14	Change line 14 to read "this into an affidavit. By one method it was arranged".
9167	"	22	"That Mr. von Halle" should be "Or Mr. von Halle".
9168	8110	3	Insert "that" after "remembered".
9169	"	4	"he had said, yes, or no," should be "had he said no,".
9170	"	7	"he recall" should be "he recalls".
9171	"	21	Insert "from" after "we had".
9172	"	22	Delete "of" after "interrogations".
9173	"	25	Change "That this counsel" to "Since this counsel".
9174	8111	6	"this was a" should be "this was the".
9175	8112	20	Change period to semi-colon after first word "much" and continue sentence with "better, skilled labor ..."
9176	"	21	Change "planned labor, therefore," to read "later plant. Therefore,".
9177	"	26	"I didn't" should be "I don't".
9178	8113	20	Add "I do not recall" after last word "this."
9179	"	26	Insert "(the interpreter)" before "was not".
9180	"	27	Place question mark after "ask you--". This constitutes the end of the question of Defense Counsel. Delete rest of line.

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9181	8113	28	Change line 28 entirely to read "A. May I explain this? Does this interest you?"
9182	"	29	Insert "Q." before first words "I want".
9183	8114	7	Add "And in this way, this staff was created," after last word "plants."
9184	"	12	"Luranil was with" should be "Luranil which was".
9185	"	13	"firms made up of Construction Engineer Sandow," should be "firm in the hands of the Construction Engineer Santo,".
9186	"	14	First word "Heimann," should be "Eymann,".
9187	"	15	Add "I already told you that it was not my profession to construct." after last word "there."
9188	"	17	Insert "I was the most inactive," after "three,".
9189	8115	9	Change entire line to read "namely in the construction part of the Montan plant. But I believe it was less represented on the site. Rue-Bau, the Todt organization, took over".
9190	8116	8	Change line 8 to read "war, and passed the question of inmates on to some kind of an SS agency — but it did not, as your".
9191	"	9	Change semi-colon to comma after "said" and delete following words "it did not".
9192	"	25	"There is" should be "This was".
9193	8117	8	Insert "official" before "agencies." Also insert "labor" after "district".
9194	"	10	"was to furnish certain people" should be "would furnish other people,".
9195	"	21	Change last word "and" to "which".
9196	"	22	Insert "know." after third word "not" and delete next word "and". Change comma to period and insert "but" after "decree".
9197	"	25	Insert comma after first word "and".
9198	"	26	Change period to dash after "1942".
9199	"	30	Change "via an office" to read "via a mediation office".
9200	8118	3	Change "employment agency" to "mediation agency".
9201	8118	7-8	Change from "the Capos tell" in line 8 through line 9 to read "the Capo gives the firm a confirmation of the number of skilled and underground building workers from the concentration camp assigned at the firm's request."

9202	8119	30-31	Change from "approved" in line 30 through line 31 to read "approved. For a construction enterprise of 600 million marks, it was of no importance whether a barracks of 2000 marks was built or not — and this".
9203	8120	9	Insert "it" after "continue".
9204	"	23	Change "contradicted it." to "governed it."
9205	"	29	Change "I spoke of 10,000 —" to read "10,000 have been spoken of —".
9206	8121	16	Delete "of" after "word". Place quotation marks before and after "responsibility".
9207	"	17	Third word "large." should be "broad."
9208	"	18	Insert "which" after "food,".
9209	8122	4	Change line 4 to read "direction of the city of Auschwitz and I.G. Farben and the concentration camp".
9210	"	5	Change "because of" to read "regarding". Delete last word "when".
9211	8123	12	Change "the way it was, again." to "as was".
9212	"	13	Change period to comma after "shows" and delete next word "and". Place period after "satisfactory" and delete next words "that way."
9213	8124	4	"It might" should be "There might".
9214	"	5	First word "together" should be "in connection".
9215	"	28	"construction firm" should be "constructor".
9216	8125	3	Change "with the plant manager." to read "for the plant leader and did nothing for Farben".
9217	"	10	Change period to comma after "Falkenhagen too". Change "Armament construction" to read "where Rue-Bau also".
9218	"	14	Insert "of" before "the Luranil,".
9219	"	19	Change comma to semi-colon and add "but that" after last word "too".
9220	"	30	Change "assignment" to "task off".
9221	8126	3	Add dash after last word "Gendorf,".
9222	"	4	Place comma after "Dyhernfurt".
9223	"	11, 16	"plant manager" should be "plant leader".
9224	8127	20	"was ever" should be "were ever".
9225	"	27	Change period to comma after "Luranil" and continue sentence with "for example."

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Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9226	8127	28	Change entire line to read "of employees, which resulted from the fact that it got so many orders from the OKH. Dr. Schae-".
9227	8128	3	Delete "and" after "delimitation;".
9228	"	5	Change "the armament industry" to "Rao-Bau".
9229	"	13	Change comma to semi-colon after "manner". Complete sentence and line with "so also came the name tabun."
9230	"	15	"Dr. Sandow," should be "Dr. Santo,".
9231	8129	23	Change "very precises" to "very valuable".
9232	8130	4-5	Delete as repetition "to try to explain the relations between a construction firm and the inmates,".
9233	"	11	"NI-14294," should be "NI-14297 and NI-14294,".
9234	8132	3	Delete "and then".
9235	8133	2	Insert "he" after "Hoechst".
9236	"	3	Insert "from" after second word "but".
9237	8134	22	Delete "just" before "the people".
9238	8135	30	"NI-14488," should be "NI-14487,".
9239	8136	17	Insert "it," after "drawn from".
9240	8137	31	Change "in the negative," to "on this print,"
9241	8139	19	"show it" should be "show them".
9242	8140	2	"the construction" should be "a construction".
9243	"	8	"Sandow" should be "Santo". "Heimann." should be "Eymann."
9244	"	9	Place comma after "manager" and change "(a high hauser):" to "honoris causa;".
9245	8141	6-7	Place period after "superior". Delete following words "but the O.T. Building Firm."
9246	"	10	"account." should be "accountant."
9247	"	32	"That is the" should be "Here is the".
9248	8142	2	"whole plant" should be "whole plan".
9249	"	6	Place quotation marks before "the I.G. Farben".
9250	"	8	Place quotation marks after "assigned".
9251	8142	9	Change period to comma after "SS" and change next two words "That means" to "which means".
9252	"	12	Change last word "tetralites" to "centralites". Delete quotation marks before and after same word.

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Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9253	8142	19	First word "latter" should be "later".
9254	8143	1	"is also" should be "which is".
9255	"	5	Place quotation marks before "the incitement".
9256	"	9	Place quotation marks after "for us."
9257	"	12	"importance" should be "important".
9258	"	15	Change period to comma after "Yes" and complete answer with "but in two stages and —".
9259	8144	9	Place comma after "telephone apparatus".
9260	8146	10	"when and were" should be "when and where".
9261	"	30	Last word "transform" should be "transfor".
9262	8147	10	"thyntesis" should be "synthesis".
9263	"	15	Change "worked on such" to "with".
9264	"	17	"anoridin" should be "acrylnitrole".
9265	"	22	Change first words "and from the" to read "and also with hydrogenation, a".
9266	"	30	"lenger trip" should be "long trip".
9267	8148	9	"inititives" should be "initiative".
9268	8149	21	First word "Elsterau." should be "Lochau."
9269	8150	11	Insert "as to" after "started".
9270	"	33	"that for" should be "when for".
9271	8151	27	Change period to dash after first word "itself". Continue sentence with "when".
9272	8152	3	Change "he had also become deputy manager" to read "he also became deputy business manager (Geschäftsfuehrer)".
9273	8154	26	Insert "a" before "chief".
9274	"	31	Place dash after "started"; also after last word "correct,".
9275	8155	9	"have any" should be "have had any".
9276	"	17	First word "connection" should be "connecting".
9277	"	29	Change "taken up here" to "questioned at this point".
9278	8157	2	Insert "firm" after "building".
9279	"	12	Delete "A" before "I think" in line 13. This is continuation of question begun in line 12.

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Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9280	8157	18, 20	"selector" should be "electric".
9281	8158	32	Change "buildings," to "machines," and delete rest of line "the technical procedure in".
9282	8159	1	Delete first two words "central agencies,".
9283	"	2	"on work-shop" should be "a workshop."
9284	"	4	Change "a to-building-set system," to read "a building-cost system,".
9285	"	5	Delete second word "had".
9286	"	9	Insert "concrete" before "mixtures".
9287	"	10-11	Change period to comma after "modern". Change "They had swivel arrangements and they were taken away." to read "with swivel arrangements."
9288	"	28	Second word "by" should be "to".
9289	"	31	"out with" should be "out by".
9290	8160	1	Change "into that elevator then," to read "therein,".
9291	8162	6	"Buelerstrasse" should be "Woehlerstrasse".
9292	"	9	Delete period after "procurist" and complete sentence with "of the intermediate products department."
9293	"	23	Change "conference or the other," to "report or another,".
9294	8163	21	Third word "loans" should be "credits".
9295	8164	7	"a conference" should be "one report". "this conference" should be "this report".
9296	"	9	"conference" should be "report".
9297	"	27	Last word "processing," should be "refinement,".
9298	"	28	First word "Landry," should be "detergent,".
9299	8165	2	"0.7%" should be "0.75%".
9300	8166	22-23	Change lines 22 and 23 to read "question: Does the possibility of using such products in an un-typical way in case of war exist in the field of chemistry?"
9301	"	31	"to typical" should be "to the typical".
9302	8167	8	Insert "or" after first word "explosives".
9303	"	10	"factory?" should be "factories?"
9304	"	19	Last word "fesines" should be "resins".

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Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9305	8175	19	Change last words "task of rayon" to "cellulose."
9306	8176	31	Delete "I made my stage"
9307	"	32	Place comma after "chemist" and delete next word "and".
9308	8177	18	Delete "even", after "stated".
9309	8178	1	First word "are" should be "I".
9310	"	6	Insert "them." after "demoralized".
9311	8179	22	"fully" should be "full".
9312	8180	26	"anarchy" should be "autarchy".
9313	8181	15	Change last three words "in the usual" to "in a special".
9314	"	17	"I received" should be "I was received".
9315	8185	12	Dates at end of line are "1921 to 1945".
9316	8186	25	Delete "joined the Party".
9317	"	26	Insert "joined the Party" after "Otto,".
9318	8188	11	"nationalization" should be "rationalization".
9319	8189	13	Change "in this case the TMA" to "by the TMA".
9320	"	26	Change line 26 to read "and, the colleagues had to rely to a large extent on the knowledge of the".
9320a	"	27	Insert "on the part" after "subject".
9321	8190	4	"And this meeting" should be "In these meetings".
9322	"	4-5	Change "the circumstances of it could not have any" to read "did there arise circumstances in".
9323	"	6	Second word "on" should be "or".
9324	"	20	Insert "the" before "plants". Delete "in Wolfen, that".
9325	8191	1-2	Delete "The Public Engineering". Insert "This" before "main technical".
9326	"	3-4	Place comma after "apparatus". Change "which needed repairs in the plants;" to read "repairs, projects;".
9327	"	6	"as the central offices" should be "in the central office".
9328	"	7	Change "big building" to "public building".
9329	"	20	Delete "I had to supervise the cellulose-wool and". Begin new sentence with "The production".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9330	8191	29	Delete "that they were aware".
9331	8192	3	Add "that" after last word "mention,".
9332	"	3	Delete comma after second word "addition". Next word "our" should be "to". Also "this plant" should be "these plants".
9333	"	19	Last word "that" should be "or".
9334	"	30	Delete "of organization".
9335	"	31	Last word "cellule." should be "cellulose".
9336	8193	7	Change "hunting" to "chamois mange".
9337	8194	4	Insert "Socialist" after "National".
9338	"	6	Place comma after "membership". "1921," should be "1912,".
9339	"	15	Add "When were you appointed?" after "Wehrwirtschaftsfuehrer?"
9340	"	16	Place period after "exactly". Delete next word "when".
9341	"	17	Insert "by" after "appointed".
9342	8196	15	Change last word "members" to "papers".
9343	8197	10	"Doesbin" should be "Dustbin".
9344	"	14	"Circular" should be "Circle".
9345	"	18	"from" should be "did".
9346	"	19	Change "could they charge you with super- armament" to read "deal with armament".
9347	"	26	"was important" should be "war important".
9348	"	31	"make." should be "made."
9349	8201	3	Insert "with respect to cellulose wool" after "Thus".
9350	8202	1	"In its Trial," should be "In its Trial Brief,".
9351	"	6	"of Farben's collaboration" should be "of transfer of Farben's patents".
9352	8203	23	"war games." should be "map games."
9353	"	25	Delete semi-colon and insert "which rather exclusively were not armament products;" after third word "products".
9354	8204	9	"scarity" should be "scarcity".
9355	"	29	"be a very coarse" should be "be very coarse".
9356	8205	20	"had a number" should be "had a number".

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Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9357	8206	2	"casing" should be "casting".
9358	8207	13 & ff.	"Mueller," should be "Miller,".
9359	"	22	First word "investions" should be "inventions".
9360	"	24	Insert "was planned" after "plant".
9361	"	25	Place comma after "film" and delete next two words "was planned,".
9362	8208	1	"adoption" should be "adaptation".
9363	"	4	Change period to comma after "now" and complete sentence with "especially cellulose wool and artificial silk."
9364	8208-8210		Change "artificial fibers" or "artificial fiber" every time it occurs to "cellulose wool". (German is "Zellwolle").
9365	8210	16	Insert "of" before "artificial silk,".
9366	"	22-26	Change lines 22 to 26 to read "189,000 tons of cellulose wool but 320,000, and not 72,000 of artificial silk but 96,000, and this reduced the percentage from 28 percent cellulose wool production for Farben in the German market for 1943 to 16.2 percent, and the 24 percent for artificial silk to 17.3 percent."
9367	8211	23, 25	Insert "wool" after "cellulose".
9368	8212	8, 15	"artificial fiber." should be "cellulose wool."
9369	"	22, 23 & 28	Insert "wool" after "cellulose".
9370	8213	15, 20	As above.
9371	8215	1	Insert "wool" after "cellulose".
9372	"	12	Last two words "to a" should be "of a".
9373	8216	7	Delete "in Berlin".
9374	"	8	Insert "in Berlin," after "place then".
9375	"	11	"office for" should be "office of".
9376	"	14	Change "cellulose" to "artificial fibers".
9377	"	29	Place comma after last word "him".
9378	"	30	Delete "or maintained no contact with him".
9379	8217	9	Second word "his" should be "him".
9380	"	16	Delete "Q." at beginning of line 16. This line continues Question begun in line 15.
9381	"	23, 28	"camera work" should be "Camera Werk".
9382	"	28	"Dr. Lings" should be "Dr. Lingg,". Delete "had" before "described".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9383	8218	1 & ff.	"camera work" should be "Camera Werk".
9384	8219	15	"Farben had" should be "Farben have".
9385	8220	12	"directives" should be "derivatives".
9386	"	18	Delete "in an influence".
9387	"	21	"in view of" should be "in respect to".
9388	8221	6	"namely between" should be "namely with".
9389	"	20	"as I take" should be "as I understand".
9390	"	25	Change "during part of the time" to "only in part".
9391	"	31	Insert "only" after first word "Troisdorf". Delete "also" before "attended".
9392	8222	2-3	"company for the evaluation of chemical products" should be "Company for the Utilization of Chemical Products".
9393	8223	4	"discussed in the exhibit" should be "submitted in the exhibits".
9394	"	5	Change period to comma after "Schmitz". Continue sentence with "in".
9395	"	8	"these are" should be "which are".
9396	"	15-16	Change from "that the company" in line 15 through line 16 to read "that the Reich plants built and operated by the Company for the Utilization of Chemical Products, were to".
9397	"	27	Insert "the Richard Schubert A.G.," after "Eylenburg,".
9398	8224	5	Delete second word "manager".
9399	"	14	"textile derivatives," should be "cellulose derivatives,".
9400	"	28	"film" should be "film-wool".
9401	"	30	Delete "materials for".
9402	"	31	"Wulfen" should be "Wolfen."
9403	8225	13	Delete "a" before "consumer".
9404	"	15	"have been" should be "has been".
9405	"	20	Second word "firms," should be "firm,".
9406	"	24	Delete "by us" after "maintained".
9407	"	25	Insert "III" after "Sparte".
9408	"	30	"this company?" should be "these companies?"

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9409	8227	2	"the production of Sparte," should be "the discussion of the production of the Sparte,".
9410	"	3	Change "we can only ask you" to read "I wish to ask you only".
9411	"	6	"Iuna" should be "Buna".
9412	"	8	Change period to comma after "about this". Continue sentence with "after". Last two words "had already" should be "have already".
9413	"	10	Change comma to period after second word "them". Begin new sentence with "Since these".
9414	"	11	Insert "not" after first word "and".
9415	"	24	"about it." should be "about then."
9416	"	25	"The question" should be "One question".
9417	8228	10	First word "firm," should be "firms,".
9418	"	27	"calin" should be "claim".
9419	"	28-30	Change from "to have" in line 28 through line 30 to read "to have made it impossible for the Americans to deliver tetracene, an explosive for military purposes, to the British Empire;".
9420	8229	1	Delete first word "impossible;".
9421	"	15	Insert "Book 2," after "DAG".
9422	8230	1	Delete "Volume II,".
9423	"	10	Change "DR. WEYER: And he" to read "WITNESS: I".
9424	"	27	Insert "by Dupont, where" after "nylon;".
9425	"	28	Insert "In May 1939, we concluded an extensive contract agreement with Dupont in this field," after "circumstances,"
9426	8231	2	Change "Agfa" to "Ansco".
9427	"	27	Change "the first artificial silk" to read "the Fe Ce fiber, the first synthetic silk".
9428	7233	2	"Dr. Mueller." should be "Dr. Miller."
9429	"	11	"your knowledge" should be "a general knowledge".
9430	8237	11, 14, 21	"Artificial fibers" should be "cellulose wool".
9431	"	14	"were to compete" should be "was to compete".
9432	8239	6	Insert "in Hoechst" after "experts".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9433	8239	25	Insert "that" after "observe".
9434	8240	19	"the German part and the part of France" should be "the general part and the section on France".
9435	8244	29	First word "constitutes" should be "constituted".
9436	8245	32	Place period after last word "responsible".
9437	8246	1	Begin new sentence with "Since,".
9438	"	2	Change period to comma after "workers". Continue sentence with "there".
9439	8247		Pagination "2847" should be "8247".
9440	"	4	Insert "a" after first word "that".
9441	"	5	Delete second word "which".
9442	8254	31	Insert "and remained" after second word "were".
9443	8257	32	Delete first two words "As for" and begin sentence with "The".
9444	8258	19	Delete first word "a".
9445	"	25	Second word "were" should be "was".
9446	8259	10	Add "for organizational reasons." after "(Buchen)wald".
9447	"	15, 25	"factories," should be "factory,".
9448	8259	16	"occasionally" should be "above all".
9449	8260	9	Delete "a" after "It's".
9450	8260	24	Change period to comma and insert "especially by I.G." after "the firm".
9451	"	28	Change "she got his army allowance." to "the salary the husband had earned was transferred to his wife."
9452	8261	23	"trade schools." should be "schools for mechanics."
9453	"	31	Change line 31 to read "to be confirmed with regard to the question of priority by the competent".
9454	8262	4	Insert "1940." after "May".
9455	"	6	"and 1941." should be "through 1945,".
9456	8263	8	Insert "the struggle against" after "dealing with".
9457	"	18	Insert "to" after "as well as".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9458	8264	16	"informer" should be "denouncer".
9459	"	27-28	Change "marriage assistance." to "public loan to encourage marriages".
9460	8265	1	Last word "informer" should be "denouncer".
9461	"	16	"860" should be "1860".
9462	"	21	"1,850" should be 1,860".
9463	"	28	Delete "of the" after "the account" and place quotation marks around "barracks construction".
9464	"	29	Change "of the plant." to "operation". (This word "operation" should be in quotation marks.) Also insert "dayroom huts" after "that these".
9465	8266	5	Insert "first" after "there were".
9466	"	10	"MR. PRESIDENT," should be written "Mr. President,".
9467	"	16	Delete last words "stop to".
9468	8267	13-14	Change "we employed thousands and" to read "of the many thousands employed by Farben".
9469	8268	2	"very good," should be "extraordinary".
9470	"	10	"imunderstandable" should be "not understandable".
9471	8269	1	"the doctor" should be "the woman doctor".
9472	"	14	"Mr. von Mol" should be "Mr. van Mol".
9473	"	20	Insert "additional" after "19 days". Change "and was a shirker." to read "by shirking."
9474	8270	9	Second word "would" should be "can".
9475	8271	10	Insert "carefully" after third word "leaders".
9476	8273	26	"30 million" should be "13 million".
9477	8274	12	"4002" should be "1402".
9478	8275	5	"I understand" should be "I understood".
9479	"	7	Change period to comma after "plant". Continue sentence with "exclusively".
9480	"	9	Delete "Thatwa".
9481	8278	1	Insert "been" after first word "had".
9482	8279	9	Insert "and" before "deducting".
9483	"	16	Change line 16 to read "time. If a shirker was not at work then he was no longer credited with overtime and".
9484	8279	17	Delete first word "Then".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9485	8280	26	Insert "imprisoned or" before first word "transferred".
9486	8281	10	"frequently." should be "sometimes."
9487	"	29	Change comma to period after "punishment". Begin new sentence with "During".
9488	8282	16	Third word "German" should be "Camera".
9489	8283	8 & ff.	"camera works" should be "Camera Works".
9490	"	19	Change second word "master" to "foramen".
9491	8286	9	Place comma and insert "in summary," after "efficient and".
9492	8291	8, 18	"chemical industry" should be "Chemische Industrie".
9493	"	15	"he did have" should be "it did have".
9494	8292	1	"Dystra" should be "Vistra".
9495	"	12	Delete "Did Dr. Gattineau know of any discussion?" "Did he bring" should be "Did Dr. Gattineau bring".
9496			
9496	8295	11	"he ask you" should be "he asked you".
9497	8296	3	Delete quotation marks after "acid."
9498	"	6	Place quotation marks after "mobilization."
9499	8299	31	Insert "he" before "didn't have enough".
9500	"	32	"that I could" should be "that he could".
9501	8303	20	"in artificial sild." should be "in cellulose wool and artificial silk."
9502	8304	13	Place comma and add "and" after last word "annually".
9503	"	31	"Dr. Striss," should be "by Dr. Struss,".
9504	8305	30	"this dealings" should be "these dealings".
9505	8309	29	Insert "I" before "received it,".
9506	8313	18	Insert "our epochal invention. In order" before "to build".
9507	"	19	Change period to comma after third word "plant". Continue sentence with "this was".
9508	8314	9, 21	"the dey men" should be "the key men".
9509	"	23	"They way" should be "The way".
9510	8316	4	"I was" should be "I went".
9511	"	8	"I have any" should be "I have not any".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9512	8316	13	"dated May." should be "dated 1 May."
9513	8321	21	"his denunciation of Hinget." should be "the denunciation against me."
9514	"	25	Last word "and" should be "that".
9515	8323	9	Insert "my" after second word "by".
9516	"	10	"on January" should be "of 24 January".
9517	8324	3	Insert "you" after second word "that".
9518	8326	9	Insert "a" after first word "been".
9519	"	13	"was there" should be "came".
9520	"	15	Change period to dash after "released". Continue sentence with "she was".
9521	8327	19	Delete period and add "and experiences." after "our reports".
9522	8332	4	Insert "that." after "something like".
9523	"	22	Insert "and" after "believe,".
9524	8335	16	"may blose" should be "may close".
9525	"	26	"Korn," should be "Koerner,".
9526	8336	16	Delete last word "made".
9527	"	23-26	Change from "he lacks" in line 23 through line 26 to read "then he lacks the intermediate facts which were pointed out before DAG made the appeal. We are quite content with the intermediate facts found before the appeal was lodged in this case."
9528	8338	17	"leading personalities of the petitioners" should be "chiefs of the appellant company".
9529	"	19	"their own" should be "itw own".
9530	"	20, 23	"petitioners" should be "appellant".
9531	"	21	Change "If a community" to "After the community".
9532	8340	19, 25	"Wielen," should be "Wyhlen,".
9533	"	26	"solve-soda" should be "solvay-soda".
9534	"	31	Delete "firm" after "Elektron".
9535	8341	23	"Riedorf-Schwerstadt" should be "Ryburg-Schwoerstadt".
9536	8342	30	Insert "there" after "member".
9537	8343	17	Insert "by Griesheim" after "constructed".
9538	"	18	"to utilize the chlorine electrolysis." should be "to utilize its pioneer work in the chlorine electrolysis field."

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9539	8344	5	Delete first word "mine". "being ad(ministered)" should be "were ad(ministered)".
9540	"	9	Add "in 1928" after "Bitterfeld".
9541	"	13-14	Delete "developed by the Schkopau personnel,".
9542	"	29	"anorganic" should be "inorganic". Insert "as those of Wolfen Farben" after "departments".
9543	"	30	Change comma to period after "plant". Delete following words "and dyestuffs were added to my work as well."
9544	"	31	"In 1936, when Dr. Jaehne" should be "In 1937, when Dr. Jaeger".
9545	8345	1	Delete first word "besides".
9546	"	5	Change "caustic potash" to "alkali".
9547	"	7	"certain metal" should be "cerium metal".
9548	"	8	"Cyacon powder" should be "zirconium powder".
9549	"	16	Insert "acids" after "tungsten".
9550	"	21	Delete "That was" and begin sentence with "In 1933-34".
9551	"	27	"No. 41," should be "No. 42,".
9552	8349	17-24	Insert "superior and" before "parallel".
9553	"	29	Insert "the interests in the Metallgesellschaft by" after "Dr. Pistor and".
9554	8350	4	Place comma and insert "the Chloruko," after "sub-commission".
9555	"	26	"Electrochemica" should be "Electroquinica".
9556	"	29	"Magnetik" should be "Magnesit".
9557	8351	2	"also a foundry" should be "also in the foundry".
9558	"	3	Delete second word "where".
9559	"	6	Change line 6 to read "A. No, I don't remember any other change."
9560	8352	6	"Solve Company," should be "Solvay Company,".
9561	"	19	Add "the" after last word "straighten".
9562	8353	9	"Buergerin." should be "Berlin."
9563	"	18	Change "armament headquarters" to read "Ruestungskommando of the district Halle".
9564	"	27	Change "headquarters of the Halle Defense Zone" to read "Ruestungskommando of the district Halle".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9555	8354	1	Change first word "letter" to "last".
9566	"	25	Insert "himself" after "the fact that he".
9567	"	27	"this trip" should be "his trip".
9568	8355	27	Delete "it" before "was discussed".
9569	"	30	"produced" should be "was used".
9570	8356	11	Insert "contract" before first word "negotiations".
9571	"	13	"this plan was" should be "this plant was".
9572	8357	8	Insert "contract concerning the" after "about another".
9573	"	9	Insert "page 18 of the English." after "Book 30,".
9574	"	13	"Book 8," should be "Book 6,".
9575	"	18	Place comma and insert "as far as I know, had" after "Aken". Delete last word in line "has".
9576	8358	4	Add "It was in 1934," after "magnesium."
9577	"	7	"Pharnalit," should be "granulit,".
9578	8359,	15	Insert "book 30, pages 25, 26 and 29," after "and 577,".
9579	8360	2	Delete comma and insert "to" after "Mr. Konrad".
9580	"	22	"also the profits" should be "likewise the profits".
9581	8361	29	Insert "last" before "world war."
9582	8362	2	"296 million" should be "269.6 million".
9583	"	18	Third word "material," should be "metals,".
9584	"	24	"that book." should be "the English book."
9585	"	28	Change "general processes" to "general purposes".
9586	8364	18	Insert "by us" after "demanded".
9587	"	22	"cousts" should be "costs".
9588	8365	1	Change last word "munitions" to "magnesium".
9589	"	5	Change "to which this magnesium went" to read "of the magnesium as going".
9590	"	13	Insert "to 1944" after "1938". Place comma after "period".
9591	"	13-14	Change "from 1944 on it" to read "from the beginning until 1944, it".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9592	8365	17	Change "brought by" to "presented by".
9593	"	24	Change "excerpts" to "experiments".
9594	"	25	Delete first word "in". Place comma after "1937". Insert "with" after "mentioned".
9595	8366	2	"organic scientific" should be "inorganic scientific".
9596	"	7	Change "part of the production" to "a preliminary product".
9597	8367	2	Change last word "specialist" to "special list".
9598	"	17, 18	"Hyeringen" should be "Heringen".
9599	"	22	Insert "in form of pigs" after "foundries".
9600	"	23	Change "in alloys form." to read "for alloying purposes."
9601	8370	24	Delete last word "use".
9602	"	30	Change semi-colon to comma after "page 89" and continue sentence with "where a motor".
9603	8371	4	Delete comma after "equipment". "cutting plates" should be "the setting plates".
9604	"	5	Insert "used" before first word "extensively".
9605	"	9	Insert "to" after first word "exhibitions". Change "and alloyed products;" to read "and aluminum alloys and products made of them."
9606	"	17	Change first word "necessarily" to read "at all intended".
9607	8372	21	Second word "negotiations" should be "agreements". Change last word "rapid." to "repaid."
9608	"	23	Change comma to period after "quite general". Begin new sentence with "As I".
9609	"	24	"we have maintained an exchange" should be "we maintained an active exchange".
9610	"	25	Change "abroad, and have made" to read "foreign countries, and made". Insert "to them" after "available".
9611	"	27	"we contacted" should be "we contracted".
9612	8373	3-3	"metals used to advantage more than armament;" should be "metals were used to advantage in modern armament".
9613	"	4	"base was" should be "plays".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9614	8168	2	Change "working with an initialing fuse." to read "which explodes when ignited."
9615	"	8	Insert "two" before last word "World".
9616	"	10	Last word "processes," should be "refinement,".
9617	"	17	Delete comma and insert "were" after "production". Change period to comma after "seven". Continue sentence with "That is,".
9618	8170	6	"or the other" should be "or another".
9619	"	10	Last word "TECO" should be "TEKO".
9620	"	14	Insert "ZW." after "Department".
0621	"	14-15	Change "there would be one or the other agencies who were" to read "one or another agency who was".
9622	"	16	Change period to comma and insert "such as" after "Commission". Continue sentence with "the Sales".
9623	8171	17	Insert "or before or at the same time" after first word "(pro)duction". This is the end of Question. Begin new paragraph with rest of line, inserting "A. Since 1936, I was secretary of the Intermediate Products Committee" before "and during the period".
9624	"	19	"Intermediary Production Commission." should be "Intermediate Products Committee."
9625	"	21	"Intermediary Production" should be "Intermediate Products".
9626	8172	29	Insert "Above all we agreed that his report should be quite objective by comparing the small German production to the large poison facilities of the Americans and Russians. I recall that he made allusion to new German developments too, but he assumed that they were already known to our enemies. I recall that I strengthened Dr. Ambros to remain in this crucial moment the honest technician who has to oppose other purposes in the poison gas field." after "enemy and friend."
9627	"	30	Place comma after "Hitler". Following words "I could" should be "I can".
9628	"	32	Place quotation marks after "gas war,".
9629	8173	3	Change quotation marks to single quote before "Jawohl,". Place single quote and quotation marks after "Fuehrer".
9630	8175	7	Delete "and what was your position".
9631	"	17	"eventually" should be "finally".
9632	"	18	Delete "eventually".

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Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9633	8373	13	"election will not be" should be "electron is not".
9634	"	17	Change "of aluminum; has only a small significance" to read "of 1/10 of aluminum; have only a corresponding significance".
9635	"	18-21	Change lines 18 through 21 to read "addition to that, for building materials chiefly made of light metals up to now, there is competition with other stuffs, for instance, modern plastics. Even fine steel can be used in the aviation industry."
9636	8374	4	Change "Australia." to "Austria."
9637	8375	7	"'31 and '32" should be "'31 and '33."
9638	"	16	Insert "loyal" before "exchange".
9639	8376	8	Insert "fine" after "extremely".
9640	8377	8	Change "we had our" to read "we constantly advised". Insert "e.g.," before "alley foundries".
9641	"	16	Add "the" after last word "furthering".
9642	"	20	Insert "Dr. SCHUBERT:" before "I should".
9643	"	21	Delete "a chart of Farben,".
9644	"	22	Insert "French" before "firms".
9645	"	30	Insert "Q." before "You were".
9646	8378	2	"limiting were issued to us." should be "limitations were placed on us."
9647	8379	5	Insert "foreign" before "visitors".
9648	"	27	Insert "of the Senate" after "sub-committee".
9649	"	28	"Book 23," should be "Book 43,".
9650	8380	1	Place quotation marks after "America."
9651	8383	21	"and Ziegler to Director Fischer to Farben at Berlin." should be "and from Ziegler to Director Fischer of Farben in Berlin."
9652	8384	13	Place comma after "book I".
9653	"	21	Insert "with" before "the preparation".
9654	"	22	Insert "plants in central Germany and" after "war,".
9655	"	23	Delete "being" before "mentioned".
9656	"	24	"branch of" should be "plants of the".
9657	"	26	Delete "construction of these plants and the".

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Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9658	8385	11	"Projection Document" should be "Prosecution Document".
9659	"	15	"hollible-Chloride Vequirements" should be "possible Chloride requirements".
9660	"	27	Add "occasionally." after "operate it".
9661	"	30	Insert "as to" after "particular". Also insert "of the products?" after last word "turn-over".
9662	8386	3	Insert "contract" after "In the".
9663	8387	9	"Sales Combine" should be "Works Combine".
9664	"	12	Change period to comma after "investigations". Continue sentence with "if changes".
9665	"	17	Change "thusly." to read "by the authorities?"
9666	"	24	Add "of the magnesium plants." after "plant".
9667	8388	5	"August 1949," should be "August 1939, which".
9668	8388 & ff.	30 & ff.	"Oleon" should be "Oleum".
9669	8389	12	Insert "at Wolfen and at Doeberitz," after "Oleum".
9670	"	17	Change "at a much lower level." to read "by offices subordinate to me."
9671	"	26	"41,000" should be "4,000".
9672	"	27	Change "in Essen." to "in Doeberitz."
9673	8391	8	First word "used" should be "mentioned".
9674	"	9	"Book 38," should be "Book 31,".
9675	"	14	"the next date" should be "the exact date".
9676	"	17	Delete "Wifor".
9677	"	19	"33," should be "31,".
9678	"	24	"Book 39," should be "Book 31,".
9679	8392	13	Change line 13 to read "Maingauwerke."
9680	"	14	"the war was" should be "the operation of the plant, was".
9681	"	20	"of additional help" should be "of an additional subsidiary plant". "particular" should be "particularly".
9682	"	23	Insert "gypsum" before "sulphuric".
9683	"	26	Delete period after last word "Wolfen".
9684	"	29	Delete "pla, a" after "Verfahren".

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Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9685	8393	1	Insert "Exhibits" after "Prosecution". "page 10," should be "page 110 and following,".
9686	"	5	"documenys as tear gas" should be "documents is a tear gas".
9687	"	7	Third word "for" should be "with".
9688	"	11	"boms" should be "bombs".
9689	"	14	Change semi-colon to comma after "authorities". Insert "I," before "however,".
9690	"	15	Change period to comma after "success". Delete next word "I".
9691	"	16	Add "When was this plant constructed?" after last word "happen?".
9692	8393	21	Change "Yes, this" to "Such a".
9693	"	23	Insert "Palm" after "affiant". "655," should be "665,".
9694	"	24	"it is said" should be "says".
9695	"	25-26	Change from "bensene," in line 25 through line 26 to read "benzine, was delivered from Bitterfeld and Wolfen, to Dyhernfurt for the warfare agent production. Did you know the purposes?".
9696	"	29	Insert "book 35, page 113 of the English," after "Exhibit 635".
9697	8394	23	Change "for certain" to read "and for all chlorine".
9698	"	25	Insert "ethylene" after "created".
9699	"	27	Change period to comma after "production". Also change following words "At large," to "and".
9700	"	28	"find its use" should be "have its use to a".
9701	8395	2	"from the year 1934 to 1940." should be "in the year 1934 and in 1940."
9702	"	8	"I am de more" should be "I am told that I have made even more".
9703	"	26	Insert "importance" after "sufficient". Delete comma at end of line.
9704	8397	10	"page 1110." should be "page 110."
9705	"	12	Delete "certain". "or which has" should be "which have".
9706	8400	16	Second word "number" should be "with".
9707	"	17	"this number," should be "this new number,".

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Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9708	8402	19	"1937" should be "1939".
9709	8403	4	Insert "(WIPO) of Farben" after "Department".
9710	"	6	"Two products" should be "intermediate products".
9711	8404	5	"he already took" should be "he had already taken".
9712	8406	1	"Exhibit 1139, page 65" should be "Exhibit 1193, book 65, page 43 of the English".
9713	"	2	"1942." should be "1941."
9714	"	5	Change "aluminum product," to "aluminum project,".
9715	"	8	Third word "of" should be "under".
9716	"	13	Second word "plant" should be "project".
9717	"	15	"by Koppenberg from" should be "from Koppenberg that".
9718	"	16	Change line 16 to read "quota of 12,000 tons of aluminum, 25,000 tons of alumina, and 3,000".
9719	"	24	Insert "Exhibit page 48," after "Volume 65,".
9720	8407	9	Insert "and" before last word "Hansa."
9721	"	26	"the rice" should be "the price".
9722	8408	13	Change "that company." to read "the Nordisk Lettmatal."
9723	"	19	"Document 1199" should be "Exhibit 1199".
9724	"	27	Insert "by far" after first word "exceeded".
9725	8409	25	Insert "(Ghana)" after "committee".
9726	8410	1	"for a plant" should be "from a plant".
9727	"	2	Change last word "affair?" to "document?"
9728	8411	3	Insert "by" before first word "some".
9729	8412	4	Insert "made" after "he had".
9730	"	5	"he had" should be "I had".
9731	"	12	"left bland." should be "left blank."
9732	"	32	Insert "to" after first word "support".
9733	8413	10-11	"at this time, now." should be "for the first time, here."
9734	8414	6	Insert "for the chemists and such people" after "questions". "were given" should be "were placed".

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Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9735	8414	14	Insert "(Cetransenarat)." after "Council".
9736	"	16	"his successor," should be "his successors,".
9737	8415	7	Insert "at" after "held".
9738	8415	16	"territories or" should be "territories of".
9739	"	23	"15 KW" should be "15,000 KW".
9740	"	30	Insert "without any change" after first word "capacity". Place period after "production".
9741	"	30-31	Delete "without any change".
9742	8420	11	Add "foreign" after last word "all".
9743	"	17	"workers by" should be "workers are to be".
9744	8421	30	Add "or ill-treated" after last word "beaten".
9745	"	25	Place period after "prohibited". Delete next word "and" and begin new sentence with "That".
9746	"	30	Delete second word "repeatedly".
9747	8422	19	"the purpose," should be "this purpose,".
9748	8423	7	"and this his" should be "and that his".
9749	"	13	"particular plant," should be "south plant,".
9750	8423	18	"25 to 30 years" should be "25 to 40 years".
9751	"	27	"was brought" should be "were brought".
9752	"	28	Insert "often" after "disinfection,".
9753	8424	6	Place comma and insert "as was mentioned yesterday," after "physicians".
9754	"	16	Change "March 1945," to read "June 1944, Prosecution Exhibit 1396, book 70, English page 135,".
9755	8425	8	"balandier" should be "Balandier".
9756	"	16	"and a card" should be "on the basis of the card".
9757	"	17	Insert "and in addition," before last word "they".
9758	8426	23	Change "in addition to Balandier," to read "something in addition about the fact that according to Balandier,".
9759	"	29	Change "apart, there were" to read "apart that I gave".
9760	"	30	Delete "very" after "excluding".
9761	8427	18	Insert "to the police," after "reported".
9762	"	23	Change "to create" to "to prevent".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9753	8428	9-11	Change from "minutes" in line 9 through "That is" in line 11 to read "minutes you mentioned before and it is pointed out that this absenteeism was reduced by the distribution of the ration cards in the factory itself. That is".
9764	"	29	Add "of all his co-workers." after last word "work".
9765	8430	6, 8	"raw materials," should be "war materials".
9766	"	12	Insert "and" after "matches,".
9767	"	13	"where they are" should be "for which they are".
9768	"	17	Insert "certain" after "containing". "into explosive substance" should be "into an explosive".
9769	"	26	Insert "(Montage-Firmen)" after "fitting firms".
9770	"	31	Insert "in time" after "initiative".
9771	8431	1	"ty two" should be "by two".
9772	"	27	"to remember" should be "I remember".
9773	8432	20	"1796," should be "1769,".
9774	"	30	"is being produced" should be "was produced".
9775	8434	5	Insert "for these foreigners," after "possible".
9776	8435	4	Delete "who" before "had to leave".
9777	"	11	Insert "through their intervention" after "and there".
9778	8436	15	Delete question mark after "indictment" and complete question with "before it was served on you?"
9779	8437	27	"1843," should be "1943,".
9780	8439	20	"we went" should be "he came".
9781	"	26	"meant time" should be "meantime".
9782	8442	2	"to deal" should be "to dealing".
9783	8443	4	"the one or the other things" should be "by one or another it".
9784	"	5	"into the ear" should be "into one's car".
9786	"	22, 25	"Mr. Bollmann," should be "Mr. Borgwardt,".
9786	"	26	Change "to get them into" to "to stress the importance of".

9787	8444	30	} to }	Change from "caustic soda" in line 30, Page 8444, through "when did" in line 1, page 8445, to read "caustic soda, you gave the production figures of Farben to the Raw Materials and Foreign Exchange Staff and, if I remember correctly, by order or in agreement with the Vorstand of Farben. Whom did".
9788	8445	1		
9789	8445	8		"quite possible." should be "quite impossible."
9790	"	21		First word "of" should be "at".
9791	"	23		Insert "automatically" before "would give".
9792	8447	7		Change question mark to comma and add "I don't know." after last word "not".
9793	"	28		Change "and after Schnitzler to 1945," to read "and afterwards until 1945,".
9794	8448	3		Last word "an" should be "no".
9795	8450	3		Change line 3 to read "A. He didn't do any job for me - on which I then had to".
9796	"	4		First word "decided." should be "decide."
9797	"	11		Last word "Were" should be "Where".
9798	8451	8		"cause any" should be "caused any".
9799	8452	25		Delete comma after "remember". "did you have" should be "whether you had".
9800	"	26		Last word "underneath" should be "under".
9801	"	28		Change "the minutes of the Sulphur" to "those on sulphides".
9802	"	29		Change "the meeting concerning" to read "and on those on".
9803	8454	6		"aware of not" should be "aware not of".
9804	"	19		"I marked" should be "I mark".
9805	8455	11		Place period after "mimeographs" and delete last word "then."
9806	8456	16		Delete "the" before "legal".
9807	8457	2		"you like it" should be "you liked it".
9808	"	7		"Electroanalysis" should be "Electrolysis". Place comma after "4-Year-Plan".
9809	"	13		"of the year?" should be "of which year?".
9810	"	30		First word "some" should be "the".
9811	8458	7		"just an expert" should be "such an expert".
9812	"	19		Delete "Company" after "Chlor-Uxo".

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Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9814	8458	20	Place quotation marks after "synthetics". "That is" should be "That includes".
9815	"	21	Change period to comma after "too" and complete sentence with "as I was acting in my capacity as chairman of Chlor-Uko."
9816	"	23	"the expert, Dr. Buerger," should be: the experts," and includes Dr. Buerger,
9817	"	24	Place quotation marks before first word "in". "with him" should be "with them". Delete last word "No".
9818	"	25	Change line 25 to read "I don't know of any consultation, as I was not present."
9819	8460	26, 30	"Yoeras." should be "Joerrs."
9820	"	29	"remember it," should be "remember that,".
9821	8461	13	"There were others which" should be "They were others who".
9822	"	18	"1963," should be "1964."
9823	"	24-26	Delete entirely "It is the substance of what he said, whether the hanging happened in front of the camp or within the Camp Marie."
9824	8462	6	"to see them and read them in full to" should be "you see them, to read them in full and to".
9825	"	7	Change period to colon after "witness". Place quotation marks after last word "remember."
9826	"	12	Insert "and that" after "came back,".
9827	8463	3	Place quotation marks after "guarantors."
9828	"	7	Place quotation marks and period after "traders".
9829	"	8	Delete "with leaves."
9830	"	20	"We produced" should be "We produce".
9831	"	23	Place quotation marks before "with reference".
9832	8464	9	"to be also to" should be "to inspect also".
9833	"	29	Change "at Sunde" to read "near the San River".
9834	8465	8	"we introduced" should be "we introduce".
9835	8466	9	"Goering's plant" should be "Goering's plans".
9836	"	13	"you has been" should be "you have been".

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Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9837	8467	7	Insert "he" after "whatever".
9838	8471	11	Delete "Private agreement," - underneath that, "I
9839	"	23	Last word "firm" should be "firm's".
9840	"	31	"Hesse workers" should be "these workers".
9841	8474	29-30	Insert after line 29 and before line 30 the following: THE PRESIDENT: The objection is sustained. Please repeat your question in a different form.
9842	8475	26	Change "like apart from" to "outside of".
9843	8476	7	Add "within the Works Combine Central Germany or were they working" after last word "plants".
9844	"	8	"who were" should be "where they were".
9845	8479	12	Insert "but" after "argument".
9846	8483	3	Change "directly" to "and indeed".
9847	"	4	Place comma after "Bitterfeld". Change dash to read "and also".
9848	8486	23	Change period to comma after "workers" and complete sentence with "and I was constantly advised to urge that German workers be assigned to the film factory."
9849	8487	13	"recruiting" should be "recruited".
9850	8490	12	Insert "the" after "Generally by".
9851	8493	2	Change "it their" to "there a".
9852	"	6	Change line 6 to read "was on the basis of supplementary rations for overtime and heavy work, so that community feeding was beyond".
9853	"	7	"That was" should be "It then became".
9854	8494	20	Change "The Germans" to read "Other German government offices".
9855	8495	8	"camps." should be "camps."
9856	8497	5	"Vertrauens." should be "Vertrauensmannner."
9857	8498	4	"this would" should be "with which it would".
9858	"	12	"but he always" should be "and he always".
9859	8499	28	Place comma and insert "escapes from work." after "contracts".
9860	8502	11	"the women's camp of the Poles." should be "the Volhynia camp".
9861	"	26	Place comma after "camp".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9861	8504	4	"Krut Riessse," should be "Kurt Riess."
9862	"	8	Insert "a little" after "the most".
9863	"	19-20	Change lines 19 & 20 to read "A. Well, that happened later. As far as I remember, this famous Order 13 came later, not during my time. Later the".
9864	8505	3	"was subject" should be "were subject".
9865	"	5	"with him" should be "with them".
9866	8506	5	"Dr. Ginget," should be "Dr. Hinget,".
9867	"	8	"Kreisleiter, Kreis Bitterfeld, Karakeck" should be "Kreisleiter Karasek of Kreis Bitterfeld,".
9868	8506	9	Delete comma after "Gajewski".
9869	"	10	"and examination" should be "an examination". Delete comma after "character".
9870	"	13	"learned that" should be "learned through". Delete comma after "Orstgruppenleiter".
9871	"	14	Insert "that" before "attempts".
9872	"	22	"which were" should be "which was".
9873	"	28	Change "assisting in" to "for".
9874	"	32	Change line 32 to read "as taken by the German Labor Front when they had been taken by Farben throughout".
9875	8507	12	"non-anyous" should be "non-Aryans".
9876	"	26	"from of" should be "form of".
9877	8508	5-6	Lines 5 & 6 are not in their proper place but should appear after line 12.
9878	8509	16	"and that" should be "but that".
9879	"	24-25	Lines 24 and 25 are misplaced and should appear only after line 29, and before line 30.
9880	8511	20	Change period to comma after last word "Farben" and continue sentence with "the Aluminum" in next line.
9881	8512	21	Delete second word "in".
9882	8514	5	Delete "another,".
9883	"	31	Delete "as was".
9884	8516	8	"was express" should be "was expressed".
9885	8518	4	"cedical facilities" should be "medical facilities".
9886	8523	5	"who was" should be "who were".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9887	8524	18, 22	"Kelin" should be "Kleine".
9888	8526	16	"Were the SS" should be "Were there SS".
9889	8527		Pagination: Page numbered 8529, beginning "prosecutor said." should be renumbered "8527".
9890	8530	24-25	Change "in that plant." to "of the situation."
9891	8531	6	"that as" should be "than as".
9892	"	12	"cross-examine to" should be "to cross-examine".
9893	8532	27	Change "Pleiger" to "Kleine".
9894	8535	23	"Dr. PRAOHT" should be "Dr. von KRAFFT".
9895	8537	15	"of I.G." should be "of the I.G. process".
9896	8538	9	"refraining" should be "refrained".
9897	"	16	"and where?" should be "and upon whose wishes?"
9898	"	17	Change "expressed" to "wished".
9899	"	19	Delete period after "concerned". Change next word "Then" to "because".
9900	"	21	Change "material, and" to read "casings, that is,".
9901	"	22	Place comma after "bombs". Next word "was" should be "were".
9902	"	32	Second word "is" should be "to".
9903	8539	15	Insert "France," after "England,".
9904	8540	19	"occupation" should be "operation".
9905	8541	17	Second word "products" should be "casings".
9906	"	23	"it readied" should be "it reached".
9907	8542	20	"plant" should be "plan".
9908	8543	29-30	Change "paid duty on and imported." to read "taxed with import duty."
9909	8544	19	"redied" should be "ready".
9910	"	25	"that that if Farben goes" should be "that if Farben went".
9911	8546	28	"to do, in" should be "to do with it, until the".
9912	8548	14	Insert "number?" after "exhibit".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9913	8548	22	"Jones" should be "Joersu".
9914	8552	14	"the January" should be "on January".
9915	"	22, 25, 27	"chlorine" or "chlorite" should be "chloride". In line 28, however, "chlorine" should remain "chlorine".
9916	"	24	"urned" should be "burned".
9917	"	27	"electroletic" should be "electrolytic".
9918	8553	3	Delete comma after "department". Next word "miner" should be "less".
9919	"	4	"miner important," should be "minor importance,".
9920	"	5	"this processing" should be "these processing".
9921	"	12	Third word "sections," should be "parts,".
9922	"	13	Change "half way," to "semi-finished."
9923	"	14	Insert "were" after "alloys".
9924	8554	11	Delete "half were and".
9925	8555	1-2	Change "withstand one" to "hold up if".
9926	"	12	Second word "at" should be "for".
9927	8556	25	Delete comma after "wheels". Also after "aircraft".
9928	"	26	"and tanks," should be "in tanks,".
9929	"	28	"single" should be "signal".
9930	8557	8	Delete "they" after "products".
9931	"	30	"licenses" should be "licensees,".
9932	8558	29	Add "(Editor's Note: See page 8559, line 21.)" after "1870."
9933	8559	1	"1939-39-40." should be "1938-39-40."
9934	"	2	Insert "according" after "whether" and "of" after "knowledge".
9935	"	3	Delete "— or whether".
9936	"	12	"of importance," should be "of such importance, as".
9937	"	17	Insert "to" before last word "licensees,".
9938	"	19	Change "and the detailed" to "answered detailed".
9939	"	28	"these records show?" should be "they were shown?"

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Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9940	8559	30	"works for the Works Sued, Works Nord;" should be "Works Sued and Nord;".
9941	8560	1	"with" should be "the" before "licensees".
9942	"	2	First word "Blue" should be "Die".
9943	8561	6	Change line 6 to read "d'Ugine and Compagnie des Produits Chimiques et Electrometallurgiques,".
9944	"	7	"Froges and Camargue" should be "Froges et Camargue".
9945	"	22	Insert "other activities after" before "the construction".
9946	"	24	Insert "that is," before last word "an".
9947	"	25	Place comma after "foundry". "of Birmetals," should be "at Birmetals,".
9948	8563	6	"How do you" should be "Now, do you".
9949	"	30	"it be replaced by" should be "it replace".
9950	8564	4	"Adershof" should be "Adlershof,".
9951	8565	3	Place quotation marks before "the needs".
9952	8566	5	"ordol," should be "Arado,".
9953	"	6	Place quotation marks after last word "percent."
9954	"	9	"ask you" should be "asked you".
9955	"	23	"Dr. Altwecker" should be "Dr. Altwicker" (twice).
9956	8567	4	Place comma after "extrusions". Change comma to period after "take it" and begin new sentence with "Is that".
9957	"	27	"In Bitterfeld." should be "From Bitterfeld."
9958	8570	31	Last two words are "I cannot".
9959	8575	16	"What of" should be "What is".
9960	8576	13	First word "actant" should be "agent".
9961	8577	14	"mising plants" should be "mixing plants." Insert "was" after "Apparatus".
9962	"	19	Change "the year of 1938," to read "August 1938,".
9963	8578	4	Change "plant ward." to "plant Nord."
9964	"	9	"8,000 marks," should be "80,000 marks,".
9965	"	26	Change period to comma after "was asked". Last word "Mainly" should be "since".

Item No.	Transcript Page	Line(s)	PROPOSED-CORRECTION
9967	8578	27	Insert "new" after second word "were".
9968	8579	5	"four illuminating" should be "for illuminating".
9969	"	16	Insert "west of a certain geographical line - Stettin, Berlin, Munich -" after "magnesium powder".
9970	"	24,26	"HY-41" should be "B1-IV/1".
9971	"	28	Insert "as" before "porcelain."
9972	"	32	"plant ward" should be "plant word".
9973	8580	2	Delete "from it."
9974	"	3 & ff.	"HY-41" should be "B1-IV/1".
9975	"	4	"incendiaries, for bombs." should be "fuses, fuses for incendiary bombs."
9976	"	6-7	Change from "here from" in line 6 through line 7 to read "here from you to the Aviation Ministry, from September 1938 and March 1939, wherein you sent the requested data for the construction of a grinding".
9977	"	15	Place semi-colon after "substance" and change the rest of the line to read "it was merely a dust explosion, the same as coal dust- or sugar-dust explosions."
9978	8581	21	"the man knew" should be "the affiant knew".
9979	"	23	"that was not" should be "it was not".
9980	8582	1	Change "Aufsichtsrat," to "Vertrauensrat,".
9981	"	21	"came by the name of Pister and it" should read "came by the name of Pister".
9982	"	26	"at Pister." should be "of Pister."
9983	8584	10	"political vues" should be "political views." Place quotation marks after same word "views."
9984	8586	17	"handing of" should be "hanging of".
9985	8587	1	Delete "taken away. Everything else would be".
9986	8588	5	Delete comma after "Plant".
9987	"	17	Delete "from" after "find out".
9988	"	26	"1694," should be "1964,".
9989	8592	23	Last word "were" should be "was".
9990	"	24	Change "plant," to "Gefolgschaftsabteilung."
9991	8594	12	Insert "and" after "installation".

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Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
9992	8596	14	Change "plant," to "workers' camps,".
9993	"	19	"Working security" should be "work guards".
9994	8597	20	Change last words "care for" to "food of".
9995	"	22, 26,	"Dehmake," should be "Oehmke,".
9996	8599	2	First word "occupation," should be "organization."
9997	"	3	Add "and" after last word "match".
9998	8601	3	"Book No. 10" should be "Book No. VI".
9999	8603	11	"our staff some of them" should be "some of our staff".
10000	"	14	"But virtue" should be "But by virtue".
10001	8608	14	"From Grahne" should be "From Grandchomay".
10002	8609	17	Delete "then," after "chart,".
10003	"	18	Insert "then" before "one would".
10004	8610	18	"considered" should be "considers".
10005	"	20	"this organic" should be "the organic".
10006	"	22	"I operated" should be "I compare". Last word "mentioned" should be "introduced".
10007	"	23	Change line 23 to read "as a document, Sparte I and Sparte II -- then I must say that the Sparte were no doubt the basis".
10008	"	25	Change "that Sparte" to "but actually Sparte".
10009	8611	5	Delete comma after "therefore". Next word "and" should be "an".
10010	"	6	"products, and also its" should be "production, and also of its".
10011	8612	22	Last words "is the" should be "are the".
10012	8613	11	Place quotation marks after second word "price."
10013	"	12	Delete quotation marks after "Farben."
10014	8614	4	Add "men" after last word "technical".
10015	8615	18-19	"interested" should be "interest".
10016	8616	14	Change "three tables" to "two tables".
10017	"	19, 23	"Keler," should be "Keller,".
10018	8617	6	"of illustration" should be "of an illustration and".
10019	"	27	"facilities." should be "plants."

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Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
10020	8618	6	"Emil Wuerth." should be "Emil Wirth."
10021	"	7	"a cost price" should be "the cost price".
10022	"	15	Insert "production" before last word "the".
10023	"	19	Insert "table" before "is interesting".
10024	"	19-20	Insert after line 19 and before line 20 the following "it shows that Farben's share in the fuel production decreased constantly, until in 1943 it dropped to 21,5 %. And table 3a is interesting because".
10025	"	30	Insert "was as" before last word "compared".
10026	8620	15	"department to check efficiency" should be "Department for Testing Practicability".
10027	"	16	"Experiments" should be "Experiences".
10028	"	25	"Farben for the" should be "Farben, that is of the".
10029	"	29	"and for this" should be "and for these". Also "this planning." should be "the planning."
10030	8621	3	Change line 3 to read "We solved this problem technically by not considering the production price but only the".
10031	"	10	"but purely" should be "through purely". Change comma to semi-colon at end of line.
10032	8622	7	"or in the" should be "or only".
10033	"	15	Change first word "operation" to "separation".
10034	8623	26, 27	"hydrogen," should be "nitrogen,".
10035	8624	31	First word "adopted" should be "adapted".
10036	8625	1	Place period after "them". Begin new sentence with "This assumed".
10037	"	22	Change "shortages of raw material," to read "quantities of raw material running through it,".
10038	"	24	Change "production per year" to read "products to be moved per year".
10039	8629		Pagination: Page numbered 8628, beginning "If counsel for both sides", should be renumbered "8629".
10040	"	26	"resource" should be "research".
10041	"	28	"Dr. Herald" should be "Dr. Herold".
10042	"	31	Add "in Leuna" after last word "colleges".
10043	8630	11	Insert "marks per year" after "million".

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(23)

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
10044	8630	19	Change "A piston" to read "An alembic".
10045	"	21	"that is" should be "which is".
10046	8635	25	Place period after "opinion". Begin new sentence with "Especially". Change period to comma after "1938" and continue sentence with "we".
10047	8637	5 & ff.	"Brabao" should be "Brabag".
10048	"	7	"and that which" should be "and which".
10049	"	27	Add "(Fuehrer des Betriebes)?" after "enterprise".
10050	8640	2	"Number 40." should be "Number 39." Add sentence "And Bustefisch document No. 287, which is an affidavit of Friedrich Schwoerer, will become Exhibit No. 40." after line 2.
10051	"	20	"Morgen." should be "Gen. Morgan."
10052	"	21	Change "that" to dash after "stated".
10053	8641	19	Change "how strong — how far" to read "how large the consumption was and the last column shows how far".
10054	"	24	Insert "for the consumption in Germany" after "Farben alone".
10055	8643	3-4	"that the countries" should be "that the European countries".
10056	"	4-5	"from 1934 on." should be "in 1934 and 1935."
10057	"	26-27	Change period to comma after "most" in line 26 and continue sentence with "whether from ..." in line 27.
10058	8644	10	Change "28,000" to "20,000" (in line 10 only).
10059	"	18	Delete "nitrogen" after "246,000".
10060	"	19	Add "followed." after "Holland".
10061	8645	25	"celluloid," should be "cellulose".
10062	8646	4	"we just produced" should be "we produced little".
10063	"	20	"5,000 tons of notrogen" should be "2,600 tons of nitrogen".
10064	8647	3	Change first words "which which" to "and from this".
10065	"	4	"increase demanded." should be "increased demand."
10066	"	8	Insert "to page 81?" after "Tribunal".
10067	"	9	"raising" should be "rising".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
10068	8647	11	"contratual" should be "contractual".
10069	8650	12, 14	"tolune" or "tuolene" should be "toluene".
10070	8651	6-8	Change from "Krauch," in line 6 through "collaborators" in line 8 to read "Krauch, and it was carried out in the Oppau laboratories by Dr. Pier. We and I, myself, were collaborators".
10071	"	14	"after the successor" should be "and as the successor".
10072	8652	4	Add "more" after last word "containing".
10073	"	6	"there, how" should be "is how".
10074	8653	3	Change "mineral oils werd" to read "petroleum was".
10075	"	4	Second word "them" should be "it".
10076	"	15	"Igloff," should be "Egloff,".
10077	8654	28	First word "if," should be "it,".
10078	8656	11	Insert "only" after "involve".
10079	8657	6	"of hydrocarbons for oil" should be "of heavy hydrocarbons for light oil."
10080	"	15	Change comma to period after "men". Delete next word "because" and begin new sentence with "Here".
10081	8658	5	Delete last word "of".
10082	"	19	Place comma after "circle" and insert "and the refineries with a circle," after same word.
10083	"	21	Last word "was" should be "were".
10084	8659	23	Add "Under the headline "Accounting of costs for importing gasoline." after "affidavit."
10085	8660	13	"Wuerth." should be "Wirth."
10086	8661	23	Place dash after "columns".
10087	8662	13	Last words "on account of" should be "due to".
10088	8663	16	"suffesting" should be "requesting".
10089	"	17	Insert "this" before last word "with".
10090	"	18	Place period after "submitted". Delete next word "that" and begin new sentence with "During".
10091	8665	1	Delete "you and Gattineau". Insert "from Gattineau" after "order".

10092	8665	18	Place quotation marks before "Oh, yes,".
10093	"	28	Third word "you" should be "we". Place period after "acetylene" and delete "and all sorts of things."
10094	8666	3	Place quotation marks before "it does not".
10095	8667	1	Change period to comma and add "as I described it." after "Yes".
10096	"	13-14	Change from "worries" in line 13 through "That is," in line 14 to read as follows: worries. The expenses should be lower than the "cif" price plus the duty. That is,
10097	"	28	Insert "guarantee" after "similar".
10098	"	31	Change "petroleum" to "coking".
10099	8668	2	"cost prices" should be "cif" prices.
10100	8669	8	Place period after "Britain" and delete "even Italy." "that they approached" should be "that Italy approached".
10101	"	9	Delete "also;" after "Company". Change comma to semi-colon after "France also".
10102	8670	18	Change "Dr. Bustefisch," to "Your Honor,".
10103	"	25	"416 million" should be "116 million".
10104	"	31	"it contradicted" should be "it contradicts".
10105	8672	5	"ammonia plant," should be "Ammoniakwerk,".
10106	"	31	"89," should be "98,".
10107	8674	14	Insert "Book" after "Document".
10108	"	15	"Roche-Sarkenfels," should be "Roche-Starkenfels,".
10109	8675	1	"Wuerth," should be "Wirth,".
10110	"	15	Last word "your" should be "our".
10111	"	17	Change "duty association" to "compulsory syndicate".
10112	"	21	Change first word "and" to "since".
10113	"	23, 25	"association" should be "syndicate".
10114	8676	3-4	Change "duty association, - this compulsory association" to read "compulsory syndicate".
10115	"	11	"association" should be "syndicate".
10116	8677	4	Change comma to period after "Vorstand". Begin new sentence with "Since". Also change period to comma and add "I entered the Brabag." after "field".

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(18)

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
10117	8678	29	insert "waste" after "heavy".
10118	"	30-31	Change lines 30 & 31 to read "chemical problem, in a certain sense a parting with the coal by using not only coal for processing but also petroleum products which are difficult to utilize."
10119	"	30	Delete "to" before last word "the".
10120	8680	4	"2.7 million" should be "7.2 million".
10121	"	6	"in time" should be "in Zeitz".
10122	"	28	Change "lubricating" to "heating".
10123	8682	9	Change "statement" to "position".
10124	8683	4	Line 4 should read "Braunkohlenkraftstoff, A.G., at Wesseling."
10125	"	27	Insert "was small." after "as such". Begin new sentence with "The".
10126	"	28	Delete "that was".
10127	"	29	Change semi-colon to period after "Company". "that was" should be "There was".
10128	"	30	Insert "which" after "firm".
10129	"	31	Insert "but" before first word "in".
10130	8684	17	Change "Iso-butyl gasoline" to "gasolines suitable for aviation".
10131	8685	6	Insert "aviation" after "amounts of".
10132	8686	6	"derivatives" should be "derivatives".
10133	"	8	Change comma to period after last word "better".
10134	"	9	"but of course," should be "At that time,".
10135	"	11	Change "small quantities." to "samples to the entire requirements."
10136	"	32	Change line 32 to read "and this high anti-knock tetraethyl lead was of".
10137	8687	12	"this part" should be "the Sparte".
10138	"	16	"and from cracking" should be "of cracking".
10139	"	17	Insert "hydrogenium and" after second word "from".
10140	"	29	Last word "was" should be "were".
10141	8688	4-5	Change from "occurred" in line 4 through "ter Meer" in line 5 to read "is perhaps in the Buna field where to introduce a process of four stages in America as Dr. ter Meer".

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(27)

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
10142	8688	26	Insert "into iso-octane" after "iso-butyls".
10143	"	30	Change "with our contract" to read "through contact with us".
10144	8690	3	Change "we only achieved" to read "according to our experiences with Leuna gasoline, it would be impossible to gain".
10145	"	9	"shaded" should be "dotted".
10146	"	12	Delete "was" after "efficiency".
10147	8692	4	"were built" should be "be built".
10148	"	11	"the subsidiary" should be "the German subsidiary".
10149	8693	5	"gasification field." should be "heavy oils field."
10150	"	7	Delete "I myself".
10151	8696	17	Insert "because they were secret plans" before first word "and".

Muernberg, 10 May 1948.
Date

By

D. A. Sprecher
D. A. Sprecher

for TELFORD TAYLOR,
Brig. Gen. U.S.A.

By

Dr. Rudolf Dix
Dr. Rudolf Dix

for DEFENSE COUNSEL, CASE VI.

439

MILITARY TRIBUNAL

CASE VI

UNITED STATES OF AMERICA

vs.

CARL KRAUCH, et al.

FILED
20 May 1948
Secretary General
for Military Tribunal
Nuremberg, Germany

13 May 1948

It is hereby stipulated and agreed that cross-examination of the affiant Richard Bieling, Lautenschlaeger document No. 24, exhibit 9, is waived, and that in lieu of such cross-examination document NI-8500, with the exception of paragraph 2, may be received in evidence as Prosecution exhibit 2269.

Adolf P. Zimmerman

For the Defendant Lautenschlaeger

W. O. Hoerlein

For the Defendant Hoerlein

C. L. Minskoff

For the Prosecution

Approved:

Quinn J. Hall

For the Tribunal

20 May 1948

FILED 28 May 48 28

Secretary General
for Military Tribunals
Defense Center

UNITED STATES MILITARY TRIBUNAL VI
SITTING IN THE PALACE OF JUSTICE, MUNNBERG, GERMANY
21 MAY 1948

440

①

THE UNITED STATES OF AMERICA

- vs. -

CARL KRAUCH, et al.,

Defendants.

Case No. 6

ORDER

The motions of Dr. Karl Bornemann, dated 11 May 1948; Dr. Otto Walte, dated 10 May 1948; and Dr. Hans Fribilla, dated 18 May 1948, to strike Prosecution Exhibit 2260 from the evidence, which said exhibit is erroneously indicated as Prosecution Document XI-2824, instead of Document XI-9824, as not constituting proper rebuttal, is overruled by the Tribunal.

Wesley B. Hale
Presiding Judge

James Moore
Judge

Paul W. Herbert
Judge

Clarence McNeill
Alternate Judge

Dated this 21st day of May 1948

PROSECUTED AND NOTIFIED

DEFENSE NOTIFIED
28 May 48 28

2600

14-481

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MILITARY TRIBUNALS

Nurnberg, Germany

UNITED STATES OF AMERICA

Against

KRAUCH and Others (CASE VI)

1450

FILED 21 May 1948 with

Secretary General

for Military Tribunals

Data Center

ANSWER TO TWO MOTIONS CONCERNING EXHIBITS INTRODUCED PURSUANT TO
STIPULATION (EXHIBITS 2258 AND 2260)

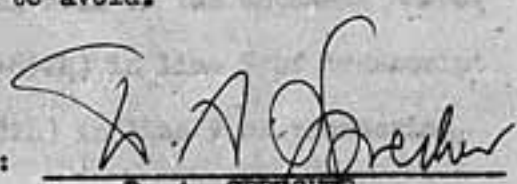
To: The Secretary General, Military Tribunals (Room 281).

1. Answer is made to the following motions to reject prosecution exhibits: (1) a motion by Dr. Nelte, dated 10 May 1948, objecting to the admissibility of PE 2258 (NI-15294)*; (2) a motion by Dr. Eisenmann, assistant counsel to Dr. Pribilla (counsel for the defendant LAUTEN-SCHLAEGER), dated 18 May 1948, concerning PE 2260.

2. As the prosecution stated when offering these documents (transcript 14103-4) and as the Tribunal had been informed informally by discussions concerning the difficulties in arranging cross examination of Dr. Weber in Switzerland, PEs 2258, 2259, and 2260 (three contemporaneous documents) were offered pursuant to "a stipulation between Mr. Minskoff and Dr. Pribilla". Of course, Dr. Nelte is not necessarily bound by a stipulation which another defense counsel makes, but it does seem to us that a stipulation to admit three contemporaneous documents in lieu of a cross examination should be honored unless there are very substantial grounds for objections raised by another counsel. We see no such grounds in Dr. Nelte's motion concerning PE 2258 (NI-15294). Dr. Nelte states that "so far it has not been disputed that such a work (PE 2258) was published" by Dr. Ding and that "this document proves nothing more than that this work of Dr. Ding's was published". He further argues that it would be irrelevant even during the case in chief. We submit that these are very general arguments with no basic support except a general reliance on questions of weight or on what is allegedly "proper rebuttal". In fact, we are faced with a problem of what would be proper cross examination and what may be introduced in lieu of cross examination by stipulation.

3. The motion by Dr. Eisenmann we submit is in derogation of the very stipulation which his superior, Dr. Pribilla, agreed to (transcript 11103). After first objecting to the admissibility of PE 2260 (which Dr. Eisenmann designates as NI-8924 because this exhibit was improperly designated in line 5 at transcript 11104 - it is really NI-9824, as stated in line 9 at transcript 11104), Dr. Eisenmann then requests that if the motion should be denied, that then he should be allowed to offer an affidavit by Professor Bieling (the author of the letter now in evidence as PE 2260) concerning this exhibit. By another stipulation of 13 May 1948 (three days after the stipulation in court of 10 May 1948, transcript 11104), the prosecution stipulated in writing not to cross examine Professor Bieling provided PE 2269, an old affidavit of Bieling, were introduced. This stipulation was approved by the Tribunal. It would be quite improper for Dr. Pribilla or Dr. Eisenmann to now offer an affidavit (LAUTENSCHLAGER Doc. No. 72) of Bieling, which would again make necessary cross examination, the very problem the stipulations of both 10 and 13 May sought to avoid.

By:


D. A. SPEECHER
Chief, Farben Trial Team

For:

TELFORD TAYLOR
Brig. Gen. USA
Chief of Counsel

Nurnberg: 21 May 1948
(Date)

440
(4)

MILITARY TRIBUNALS

Nurnberg, Germany

UNITED STATES OF AMERICA

Against

KRAUCH and Others (CASE VI)

1450

FILED 21 May 1948 with
Secretary General
for Military Tribunals
Defense Center

ANSWER TO TWO DEFENSE OBJECTIONS TO NI-8924 (AN AFFIDAVIT BY DR. HANS
WAGNER)

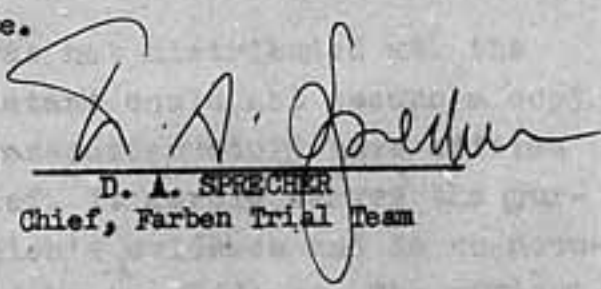
TO: The Secretary General, Military Tribunals (Room 281).

1. Answer is made to a motion by Dr. Nelte, counsel for the defendant HOERLEIN, dated 10 May 1948, and to a motion by Dr. Bornemann, counsel for the defendant TER MEER, dated 11 May 1948 both of which object to NI-8924, affidavit of Hans Wagner, which they designate as PE 2260.

2. These motions grow out of an error in the transcript which likewise has confused the prosecution. When the prosecution offered PE 2260 (transcript 14104), the document number which we intended to offer, "NI-9824" was transposed to "NI-8924". The document number for PE 2260 is incorrectly given (NI-8924) in line 5 of transcript 14104 but it correctly appears (NI-9824) in line 9 of transcript, same page.

3. Therefore, it is requested that the Tribunal dismiss these two objections on the ground that NI-8924, the affidavit of Dr. Wagner, has not actually been offered. The necessary correction of the record will be accomplished otherwise.

By:


D. A. SPRECHER
Chief, Farben Trial Team

For:

TELFORD TAYLOR
Brig. Gen. USA
Chief of Counsel

Nurnberg: 21 May 1948
(Date)

Dr. Hans P r i b l l a
Counsel for the defendant
Carl Ludwig Lautenschläger

Nurnberg 18 May 1948

To
Military Tribunal VI
N u r n b e r g

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1725
FILED 18 May 1948
Secretary General
for Military Tribunals
Defense Center

Referring to the conference my assistant Adolf P. Eisemann
was granted on 12 May 1948, I

m o v e

1. the Tribunal reject Document NI 8924, Exhibit 2260
which was introduced by the Prosecution on 10 May 1948,

2. in case my motion under 1. should be denied, to allow
me to offer the attached affidavit by Professor Dr. Richard
Franz Ludwig Bieling, Marburg, dated 15 May 1948, as defense
document Lautenschläger No. 72 under Exhibit No. 70.

I may reiterate the reasons brought forward during the
conference:

The Prosecution document was not distributed at the
time it was introduced. My assistant could not secure a copy
of it until 11 May 1948. The Prosecution could have offered
the document in its case-in-chief. It merely serves the pur-
pose of completing the Prosecution's evidence and is no docu-
ment to refute new facts produced by the Defense. The affiant,
Professor Bieling, stated in paragraph 1 of his affidavit
that Mr. von Halle submitted him the original of Prosecution
Document NI 8924 as early as during his first interrogation in
January 1947.

Document referred to under 2 above, was accepted into evidence -
2604
See Tribunal VI Court Order 1 June 1948, filed 3 June 1948.
(See Progress Docket #467) B8m

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①

The Defense on its part did not enter into the document at the time the testimony was secured from Professor Bieling since it had not been officially introduced in the trial. If the Prosecution now introduces this document belatedly, it is but fair to permit the Defense to secure a statement of witness Bieling as to this document.

(s.) Adolf P. Eiseemann
Assistant Counsel

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⑦

Eidesstattliche Erklärung.

Ich, Professor Dr. Richard Franz Ludwig B i e l l i n g, geb. am 3. September 1888 in Gausalgesheim/Bingen, wohnhaft in Marburg a.d. Lahn, Wilhelm Roserstrasse 4, bin darauf aufmerksam gemacht worden, daß ich mich strafbar mache, wenn ich eine falsche eidesstattliche Erklärung abgebe. Ich versichere an Eidesstatt, daß meine Aussage der Wahrheit entspricht und gemacht wurde, um als Beweismaterial dem Militärgerichtshof (Fall VI) im Justispalast Nürnberg, Deutschland, vorgelegt zu werden.

Von der Verteidigung wurde mir das Anklage Dokument NI 9824 Exh. vorgelegt. Hierzu erkläre ich:

1.) Es handelt sich um den Abdruck eines von mir an Herrn Dr. Weber am 18. Juni 1943 nach Höchst geschriebenen Briefes. Herr v. Halle hat mir bei meiner ersten Vernehmung im Januar 1947 das Original dieses Briefes bereits vorgelegt.

2.) Ich schrieb den Brief nach meinem zufälligen zweiten Zusammentreffen mit Dr. Ding im Hygiene-Institut der Waffen-SS in Berlin. Die Unterredung fand statt im Anschluss an meinen Besuch bei dem Leiter des Instituts, Dr. Mrugowsky, als ich danach durch das Vorzimmer zurückging. Diese Unterredung mit Dr. Ding war kurz.

3.) In dem Brief schrieb ich auch von Kranken, die eines der Präparate schon während der Inkubation, das heißt also bevor die Krankheit ausgebrochen war, erhielten. Hierzu bemerke ich folgendes:

Wenn in einer Wohngemeinschaft ein Mitglied an Fleckfieber erkrankt und ausserdem Läuse hat, so ist mit großer Wahrscheinlichkeit anzunehmen, daß Läuse von dem Kranken auf Gesunde seiner Umgebung übergehen und die Infektion auf sie übertragen. Diese Menschen befinden sich dann von der Übertragung der Krankheit an bis zum Ausbruch derselben in der sogenannten Inkubationszeit. Diese Inkubationszeit dauert im allgemeinen nicht länger als 14 Tage, worauf die Krankheit klinisch zum Ausbruch kommt. In dieser Zeit kann man bereits beginnen, die Gefährdeten mit dem

Arzneimittel

Arzneimittel zu behandeln; denn man wird annehmen können, daß ein Heilmittel, das die bereits ausgebrochene Krankheit günstig beeinflusst, erst recht in der Lage sein wird, die noch in der Entwicklung begriffene Infektion von vornherein zu unterdrücken oder abzuschwächen oder zumindest den Krankheitsausbruch hinauszuschieben und dadurch einen mildereren Krankheitsverlauf herbeizuführen. Heilmittelprüfungen in der Inkubationszeit sind daher von ganz besonderem Interesse. Übrigens haben die Leute, die das Rutenol schon während der Inkubation erhielten, das Arzneimittel besser vertragen - wie ich an Dr. Weber schrieb.

4.) Meine Bemerkung, daß ich die letzten Ergebnisse gesehen habe, ist wie folgt zu verstehen:

Dr. Ding schilderte mir in kurzen Worten, daß er mit den beiden Höchster Präparaten 3582 und Rutenol keine deutlichen klinischen Erfolge hatte und daß keine Unterschiede gegenüber nicht behandelten Fleckfieberkranken festgestellt worden seien. Dabei bezog er sich auf Aufzeichnungen, die über die einzelnen Kranken gemacht worden waren. Er gab mir die Aufzeichnungen nicht, ich habe ihn auch nicht darum gebeten, weil ich nicht erwartete, daß die Durchsicht dieser Aufzeichnungen mir irgendwelche Aufschlüsse über die für mich wesentliche Frage gab, warum die klinischen Ergebnisse Dr. Ding's so absolut negativ waren im Gegensatz zu denen anderer Prüfer. Ich sah vielmehr den Grund hierfür in der mangelnden wissenschaftlichen Fähigkeit Dr. Ding's einerseits und in den besonderen Verhältnissen am Krankenbett andererseits. Nur in diesem übertragenen Sinne ist die am Anfang dieses Absatzes erwähnte Bemerkung zu verstehen.

Auch meine Formulierung: nach dem, was ich gesehen habe, soll heißen: nach dem Eindruck, den ich von Dr. Ding gewonnen hatte. Dieser Eindruck machte es mir auch zweifelhaft, daß eine Belehrung des Dr. Ding durch den speziellen Sachverständigen Dr. Weber ihn zu einem brauchbaren Prüfer machen würde. In dieser Richtung erwartete ich keinen Erfolg von einem Besuch des Dr. Weber bei Dr. Ding. Wohl aber hielt ich es für möglich, daß dabei der Grund

für

für seine mangelhaften klinischen Ergebnisse, die mit denen anderer Prüfer im Widerspruch standen, aufgeklärt werden könnte und daß dadurch Erkenntnisse für eine zweckmäßige Anwendung des Präparates und seine Nutsbarmachung für die Heilung von Kranken gewonnen werden könnten.

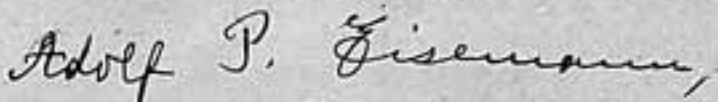
Marburg/Lahn, den 15. Mai 1948



(Professor Dr. Richard Bieling)

Die obige Unterschrift des Professors Dr. Richard Bieling, Marburg/Lahn, vor mir, Adolf P. Eiseemann, geleistet, wird hiermit beglaubigt und von mir bezeugt.

Marburg/Lahn, den 15. Mai 1948



(Adolf P. Eiseemann)
Assistent-Verteidiger am
Militärgerichtshof VI in
Münchberg

für seine mangelhaften klinischen Ergebnisse, die mit denen anderer Prüfer im Widerspruch standen, aufgeklärt werden könnte und daß dadurch Erkenntnisse für eine zweckmäßige Anwendung des Präparates und seine Nutsbarmachung für die Heilung von Kranken gewonnen werden könnten.

Marburg/Lahn, den 15. Mai 1948



(Professor Dr. Richard Bieling)

Die obige Unterschrift des Professors Dr. Richard Bieling, Marburg/Lahn, vor mir, Adolf P. Eisemann, geleistet, wird hiermit beglaubigt und von mir beszeugt.

Marburg/Lahn, den 15. Mai 1948



(Adolf P. Eisemann)
Assistent-Verteidiger am
Militärgerichtshof VI in
Nürnberg

Dr. Hans P r i b i l l a
Verteidiger des Angeklagten
Carl Ludwig Lautenschläger

440 ✓
Nürnberg, den 18. Mai 1948. (10)

An den
Militärgerichtshof VI
N ü r n b e r g

1725
FILED 18 May 1948 with
Secretary General
for Military Tribunals
Defense Center

Unter Bezugnahme auf die meinem Mitarbeiter Adolf P.
Eisemann am 12. Mai 1948 gewährte Besprechung

b e a n t r a g e

ich:

1. Der Gerichtshof möge das am 10.5.1948 von der An-
klage eingereichte Dokument NI 9824 zurückweisen,
8924, Exh. 2260
2. hilfsweise, im Falle der Ablehnung des Antrages
zu 1., mir zu gestatten, die anliegende eidesstattliche
Erklärung des Professors Dr. Richard Franz Ludwig Bieling,
Marburg, vom 15.V.1948 als Verteidigungsdokument Lauten-
schläger Nr. 72 unter Exhibit 70 vorzulegen.

Ich darf die in der Besprechung vorgebrachten Gründe
wiederholen:

Das Anklagedokument wurde bei seiner Einführung nicht
verteilt. Mein Mitarbeiter konnte sich einen Abzug davon
erst am 11.5.48 nachmittags beschaffen. Die Anklagebehörde
hätte das Dokument im Hauptanklagevortrag vorlegen können.
Es dient lediglich der Ausfüllung des Anklagevorbringens
und ist kein Dokument zur Widerlegung von Tatsachen, die
die Verteidigung neu vorgebracht hat. Der Affiant, Profes-
sor Bieling, hat in der eidesstattlichen Versicherung
unter 1. erklärt, dass Herr von Halle ihm das Original
des Anklagedokuments NI 9824 bereits bei seiner ersten
Vernehmung im Januar 1947 vorgelegt hat.

Die Verteidigung ihrerseits war auf das Dokument bei
der Einholung der Zeugenaussage des Herrn Professor Bieling

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(No. 2)

nicht eingegangen, da es im Prozess offiziell nicht vorgelegt worden war. Wenn die Anklage dieses Dokument jetzt nachträglich vorbringt, so ist es nur billig, der Verteidigung zu gestatten, jetzt auch eine Erklärung des Zeugen Bieling zu diesem Dokument beizubringen.

In Auftrag:

Adolf P. Eisemann

(Adolf P. Eisemann)
Assistent-Verteidiger

United States of

vs

Krauch, et al.

to the offer of

The are described and 3).

In 1

"The Vermittlungst Dr. Schrader a

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It defense evidence the method of

I Exhibit 618,

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10 May 1948

United States of America)

vs

Krauch, et al.

German Documents Tendered by Defendants for Processing.

Nurnberg 10 May 1948

OBJECTION

to the offer of Document NI-8924 as rebuttal evidence.

The document is an affidavit of Dr. Hans Wagner concerning what are described as "secret orders" and how they were to be handled (Items 2 and 3).

In item 4 Dr. Wagner explains:

"The majority of the secret orders were delivered through the Vermittlungsstelle W, with the exception of projects on which Prof. Heerlein, Dr. Schrader and Dr. Ambros were engaged."

What does the Prosecution wish to refute by this?

It impresses me as a continuation of the general evidence. In the defense evidence nothing has arisen to indicate any diversity of opinion as to the method of handling secret orders.

I refer to the affidavit of the same Dr. Hans Wagner NI-8980, Exhibit 618, which deals practically with the same questions.

Document NI-8924 therefore does not appear to be an admissible piece of rebuttal evidence.

(initials)
(signature illegible)

O. D. (translator)

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Nürnberg, den 10. Mai 1948. (12)

An den
Militärgerichtshof VI
Nürnberg

E i n s p r u c h

gegen die Vorlage des Dokuments NI 8924 als Rebuttal-Beweismittel

Das Dokument ist eine Affidavit des Dr. Hans Wagner über das, was als "geheime Kommandosache" bezeichnet wurde und wie diese Sachen zu behandeln waren (Ziff. 2 und 3).

In Ziff. 4 erklärt Dr. Wagner:

"Der Grossteil der geheimen Kommandosachen lief über die Vermittlungsstelle W, mit Ausnahme von Projekten, an welchen Prof. Hoerlein, Dr. Schrader und Dr. Ambros arbeiteten."

Was will die Anklagebehörde hiermit widerlegen?

Es scheint mir eine Fortführung der allgemeinen Beweisführung zu sein. In der Beweisführung der Verteidigung ist nichts aufgekomen, was als Meinungsverschiedenheit über die Behandlung der Geheimen Kommandosachen anzusehen wäre.

Ich verweise auf das Affidavit desselben Dr. Hans Wagner, NI 8980, Exh. 618, das sich praktisch mit denselben Fragen befasst.

Das Dokument NI 8924 erscheint deshalb kein zulässiges Rebuttal-Beweisstück.



Landgerichtsrat
Carl Bornemann
Verteidiger am
Militärgerichtshof Nr. VI
Nürnberg
Maximilianstraße 32 p.

440
(13)

Nurnberg, 11 May 1948.

To the
Military Tribunal No. VI
Case VI,
N u r n b e r g.

Subject: Objection to rebuttal document.

I am raising objection against the prosecution document NI 8924, which is to be introduced in the rebuttal as prosecution document Exhibit 2260.

The prosecution should not be allowed to offer this document in evidence. It is an affidavit of Dr. Hans W a g n e r dated 11 June 1947. The affidavit does not contain new material. Dr. Hans Wager has been examined in the witness box before the High Tribunal on 9 September 1947 (english transcript page 549) Further he has been heard in the witness box for a second time on October 8, 1947 (english transcript page 1794).



Karl Bornemann

Defense Counsel

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FILED 24 May 48 with
Secretary General
for Military Tribunals

UNITED STATES MILITARY TRIBUNAL VI
SITTING IN THE PALACE OF JUSTICE, NUREMBERG, GERMANY
21 MAY 1948

441

THE UNITED STATES OF AMERICA

- vs. -

CARL KRAUCH, et al.,

Defendants.

Case No. 8

ORDER

The joint motion filed by Defense counsel Dr. Hellmuth Dix, Dr. Hans Flacchener, Dr. Walter Siemers, Dr. Erich Berndt, Dr. Karl Bornemann and Dr. Seidl, on 11 May 1948, to strike from the evidence all Prosecution affidavits obtained during trips abroad by members of the Prosecution Staff is overruled by the Tribunal.

Ernest J. Shale
Presiding Judge

James W. Jones
Judge

Samuel Herbert
Judge

Charles J. McNeill
Alternate Judge

Dated this 21st day of May 1948

PROSECUTION NOTIFIED

DEFENSE NOTIFIED
24 May 48 89

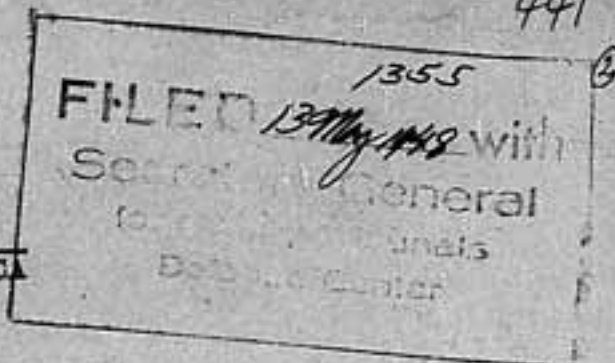
MILITARY TRIBUNALS

Nurnberg, Germany

UNITED STATES OF AMERICA

Against

KRAUCH and Others (Case VI)



ANSWER TO A MOTION TO STRIKE CERTAIN AFFIDAVITS AND TESTIMONY FROM
EVIDENCE

TO: The Secretary General, Military Tribunals (Room 281)

1. Answer is made to a motion signed by defense counsel Bornemann, Berndt, H. Dix, Flaechsner, Seidl and Siemers, dated 11 May 1948, requesting "that the Tribunal strike all affidavits and testimony of such prosecution witnesses as the prosecution secured during the trips abroad of its members". The motion states that "the defense did not have the possibility to the same extent (our emphasis) as the prosecution to make trips abroad in order to procure evidence", etc. The motion, quite properly, does not make any effort to weigh the relative advantages of: (1) the activities abroad of such associates of the defense as Dr. Vinassa, a Swiss citizen who has formally been acting as counsel for the defendant HANFLIGER, and has engaged in defense work in foreign countries, including the United States; (2) the ability of the defense to reach and obtain a sympathetic hearing from such informed Germans as Ernst Rudolf Fischer and Dr. Julius Weeber, both who now assert an address in Switzerland; (3) the ready "cooperation" of many persons who are not directly associated with Farben but involved collaterally to a greater or less degree with some of the transactions coming to light in the case.

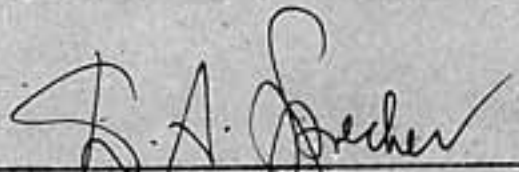
2. In any litigation there are always certain advantages, inherent in the situation, which accrue to one of the parties or the other. If relative advantages in procuring certain types of evidence were a basis for deciding upon the admission or exclusion of a particular type of evidence, the prosecution might well make motions along the following lines: (1) that something like 200 defense affidavits be stricken from evidence on the ground that three score officially approved defense counsel

or defense assistants (not to mention "unofficial" assistants) have had a completely one-sided advantage in obtaining affidavits from Germans sympathetic to the defense for a number of obvious reasons; (2) that most affidavits presented by the defense should be stricken from the record on the ground that the prosecution did not have anything like the same opportunity for cross examination with respect to more than 2000 defense affidavits which the defense had with respect to the approximately 250 affidavits offered by the prosecution; (3) that after a certain stage of the case affidavit evidence should be stricken except as to specially relevant and non-cumulative matters, where the defense can show that contemporaneous documents were destroyed or not available to them, etc.

3. Although the prosecution thinks it unimportant to invest any of its time to make a comparative count of affidavits obtained from persons abroad by defense counsel and affidavits obtained abroad upon the initiative of the prosecution, perhaps the defense counsel making this motion would like to undertake this task in order to indicate for posterity just what the relative count is. It is our prediction, but we are not sure, that the defense will find they have offered more affidavits from persons abroad than the prosecution has. If it should develop that the defense has submitted the greater number of such affidavits, the prosecution will not ~~on that ground~~ move to strike the difference.

4. WHEREFORE, it is respectfully requested that this motion be denied.

By:


D.A. SPRECHER
Chief, FARBER TRIAL TEAMNurnberg 13 May 1948
Date

For:

TELFORD TAYLOR
Brig. Gen. USA
Chief of Counsel

Shake

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Nurnberg 11 May 1948

(4)

To
Military Tribunal,
Case VI

1530
FILED 11 May 1948 with
Secretary General
for Military Tribunals
Defense Center

Since the presentation of evidence by the Defense will be finished in the next few days the undersigned defense counsel, while referring to the difficulties the Defense had to face in procuring evidence, in particular testimony of witnesses, from abroad, deem it imperative to move that the Tribunal strike all affidavits and testimony of such Prosecution witnesses as the Prosecution secured during the trips abroad of its members.

To substantiate this motion, the Defense respectfully refers to the following viewpoints:

As already pointed out in the course of its production of evidence (compare, amongst other things, motion by Dr. Boettcher 4 Dec. 1947), the Defense did not have the possibility to the same extent as the Prosecution to make trips abroad in order to procure evidence and, in particular, to locate witnesses and interrogate them. On the contrary, the Prosecution had all the means and possibilities to make an unlimited number of trips abroad and to submit the results of such trips during its

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(5)

presentation of evidence. The inequality of the possibilities for the Prosecution on the one hand and the Defense on the other, seriously endangers the finding of the full truth about the events which constitute the basis for this trial. In the practice of the continental legal proceedings, the Tribunal has responsibility for the procurement of all evidence which is necessary, to find the truth. According to the American procedure, which is at variance with this continental system, the responsibility for the procurement of the evidence is rested exclusively on both the parties in the trial, i.e. the Prosecution on the one hand and the Defense on the other. In view of this procedure, however, it is quite natural that the finding of the truth can be guaranteed only if the Prosecution on the one hand and the Defense on the other are given the same chances to locate the required evidence, such as names and addresses of witnesses living abroad. Owing to the fact that the Defense and the Prosecution were in an utterly unequal position with regard to the trips abroad during the several months of preparation and conduct of this trial, the Defense is forced in order to restore the balance

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in the chances of both the parties to make the above request.

(s.) illegible

(s.) Dr. Hellmuth Dix

(s.) Dr. Hans Flaecheisner

(s.) Dr. Walter Siemers

(s.) Dr. Erich Berndt

(s.) Karl Bornemann

(s.) Dr. Seidl

Muernberg, den 11. Mai 1948

An das
Militärgericht
im Fall VI

1530
FILE 11 May 1948
Secretary General
for the
Delegation

Nachdem nunmehr der Beweisvortrag der Verteidigung in wenigen Tagen beendet sein wird, halten es die unterzeichneten Verteidiger fuer erforderlich, unter Hinweis auf die ihr bei der Beschaffung von Beweismitteln - insbesondere von Zeugnisaussagen - aus dem Auslande gewordenen Schwierigkeiten den Antrag zu stellen, alle Affidavits und Aussagen solcher Anklage-Zeugen zu streichen, welche die Prosecution durch Auslandsreisen ihrer Beamten als Zeugen gewonnen hat.

Die Verteidigung erlaubt sich zur Begruendung dieses Antrages auf folgende Gesichtspunkte zu verweisen:

Wie schon im Laufe ihres Beweisvortrages geltend gemacht (vergleiche u.a. Antrag Dr. Boettcher vom 4.12.1947), war es der Verteidigung nicht moeglich, im gleichen Ausmaesse wie die Anklagebehoerde zur Beschaffung von Beweismitteln ins Ausland zu reisen und insbesondere Zeugen im Ausland ausfindig zu machen und zu vernehmen. Die Anklage dagegen hatte in jeder Weise die Mittel wie die Moeglichkeiten, in unbeschränktem Ausmaesse ins Ausland zu reisen und das Ergebnis solcher Auslandsreisen im Laufe ihres Beweisvortrages vorzulegen. Durch diese Ungleichheit der Moeglichkeiten fuer die Anklagebehoerde einerseits und die Verteidigung andererseits ist die Ermittlung der vollen Wahrheit ueber die diesem Prozess zu Grunde liegenden Vorgaenge ernstlich gefaehrdet. In der Praxis des kontinentalen Gerichtsverfahrens traegt die Verantwortung fuer die Herbeischaffung aller Beweismittel, die fuer die Wahrheitsfindung

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erforderlich sind, das Gericht. Abweichend von diesem kontinentalen System ist im amerikanischen System die Last der Herbeischaffung der Beweismittel ausschliesslich den beiden Parteien des Prozesses, namentlich einerseits der Anklage und andererseits der Verteidigung, auferlegt. Bei diesem System ist jedoch naturgemäss die Findung der vollen Wahrheit nur dann sichergestellt, wenn die Anklage einerseits, die Verteidigung andererseits die gleiche Chance hat, die erforderlichen Beweismittel, z.B. Namen und Adressen von Zeugen, die im Auslande wohnen, ausfindig zu machen. Dadurch, dass gerade in Bezug auf Auslandsreisen während der ganzen Dauer der Vorbereitung und Föhrung dieses Prozesses Verteidigung und Anklage in einer voellig ungleichen Situation waren, sieht sich die Verteidigung zur Wiederherstellung des Gleichgewichts in den Chancen der beiden Parteien gezwungen, den oben genannten Antrag zu stellen.

H. Müller

H. H. Muntz Dix
V. Ham Föhrer
P. Wilke Linn
O. Rich Föhrer
Karl Böhmer
H. Wöhl

IN: VI
OUT: TUO
For the Secretary General
By: W.

FILE

24 May 48 ⁸⁹Secr. General
for Tribunals
D. CenterUNITED STATES MILITARY TRIBUNAL VI
SITTING IN THE PALACE OF JUSTICE, MUNICH, GERMANY
21 MAY 1948

442

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THE UNITED STATES OF AMERICA

- vs. -

CARL KRAUGH, et al.,

Defendants.

Case No. 6

ORDER

The motion of Dr. Alfred Seidl, counsel for the Defendant Duerrfeld, dated 12 May 1948, and filed 13 May 1948, to strike the Prosecution's Exhibit 2262 from the evidence as not constituting proper rebuttal is overruled by the Tribunal.

Guerrig. Shatto
Presiding JudgeJames M. Moore
JudgePaul M. Hebert
JudgeCharles H. Meacham
Alternate Judge

Dated this 21st day of May 1948

PROSECUTION NOTIFIED

DEFENSE NOTIFIED

24 May 48 ⁸⁹

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MILITARY TRIBUNALS

Nurnberg, Germany

UNITED STATES OF AMERICA

Against

KRAUCH and Others (Case VI)

FILED 17 May 1948 with
Secretary General
for Military Tribunals
Defense Center

ANSWER TO A MOTION ON BEHALF OF THE DEFENDANT DUERRFELD TO STRIKE PROSECUTION EXHIBIT 2262 AND OBJECTING TO ONE OF TWO CONTEMPORANEOUS DOCUMENTS THERE INVOLVED, ETC.

TO: The Secretary General, Military Tribunals (Room 281)

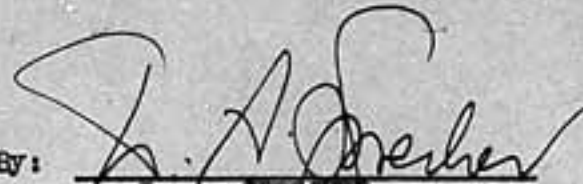
1. Answer is made to a motion or memorandum by Dr. Seidl, counsel for the defendant DUERRFELD, dated 12 May 1948, concerning Prosecution Exhibit 2262. PE 2262 is an affidavit based upon two different series of contemporaneous Auschwitz documents which the Prosecution only recently obtained (late April and early May) from Poland after long and arduous efforts to discover such documents. Dr. Seidl himself desires to use parts of one of the two contemporaneous documents which he believes useful to his case and attempts, by way of this motion, to have this document (NI-15295) marked as DUERRFELD Exhibit 471 for identification. Since the mere identification of a contemporaneous piece of evidence would not assist Dr. Seidl's purposes, we shall attempt to reach a stipulation which will incorporate the facts both sides desire to rely upon in these documents.

2. But Dr. Seidl apparently has come to believe that rules of admissibility in the later stages of this case should depend entirely upon what is favorable to the defense. Concerning NI-15295, he states that "In the closing brief and final plea we will amply comment upon the contents of this document". On the other hand Dr. Seidl objects to PE 2262 insofar as it contains tabulations from NI-14495 which shows the nature of the sickness and disability of I.G. Auschwitz workers who were transferred to the extermination areas of Birkenau and Auschwitz. Here his objections are principally argumentative and to the weight of evidence already before the Tribunal. We submit the evidence, by way of tabulation and analyses, in PE 2262 is admissible as:

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(1) newly discovered and highly relevant evidence which was submitted late in the case for reasons other than any lack of due diligence by the Prosecution; (2) rebuttal evidence which explains, clarifies and even makes unnecessary evidence submitted by both sides because these contemporaneous documents were not available earlier.

By:


D. A. SPEECHER
Chief, FARREN Trial Team

For:

TELFORD TAYLOR
Brig. Gen. USA
Chief of Counsel

Nurnberg: 17 May 1948
(Date)

Attorney
Dr. Elfried Seidl
Munich 23
Gedonstrasse 2
Telephone 31956

Frank 442
(4)
Nurnberg 12 May 1948

To
Military Tribunal VI
N u r n b e r g

1506
FILED *13 May 1948* with
Secretary General
for Military Tribunals
Defense Center

Subject: Rebuttal Document NI-15299, Exhibit 2262.

During its rebuttal on 10 May 1948 the Prosecution submitted an affidavit of Herbert Ungar, member of the Prosecution. The affidavit itself does not carry a date. It was offered as Exhibit 2262 (NI-15299).

In this affidavit reference is made to two documents obviously originating from the hospital of Camp Monowitz (Camp IV). According to the allegation of the Prosecution one of the documents (NI-15295) is constituted by the minutes kept by the inmates and contains 1647 numbers and names of inmates who died in camp IV or in the IG construction area in Auschwitz.

The other document (NI-14997) - according to the Prosecution - is a list of inmates, who were transferred

from the inmates' hospital in Camp Monowitz to Auschwitz or Birkenau.

Up to now I did not have the opportunity to see document NI-14997, since it is still in the photostatic department. However, it is obvious that according to the Prosecution's allegations it cannot be a real rebuttal document. When submitting the evidence and interrogating the defendant Dr. Dürrfeld, the Defense did not refer to any figures in connection with the transfer of inmates to Auschwitz and Birkenau. This here is entirely new evidence which is in no direct connection with the evidence of the Defense. The material obviously is not relevant since it can be said already now on the ground of the result of the presentation of evidence that the IG Works management was not at all competent in these questions and that the transfer of inmates to the hospitals of Auschwitz and Birkenau was exclusively a matter of the SS and its agencies.

It is different for Document NI-15295. This is obviously relevant insofar as it contains also the inmates who died in the IG plant by accident or in another way in the work Commando. A glance through this document shows that during the time from 16 November 1942 until 15 January 1945 - i.e. in 2 3/4 years - about 80 inmates in all died in accidents

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or otherwise. In the closing brief and final plea we will
amply comment upon the contents of this document since this
document which has now been made available by the Prosecution
unequivocally refutes numerous allegations of Prosecution
witnesses. I am not sure whether the Prosecution already
identified the document. The German transcript is not
available to me yet and I myself was not able to attend
the submission of the documents because I had to be present
at a session with the Commissioner. In case, however, this
has not been done yet I identify document NI-15295 as
Exhibit Dürfeld 471 for identification.

However, I object to the admission of Exhibit 2262
(NI-15299) and document NI-14997 since they are in no
connection with the presentation of evidence of the Defense
and therefore cannot be considered real rebuttal documents.

(s.) Dr. Alfred Seidl
Attorney

Rechtsanwalt
Dr. Alfred Seidl

München 23
Gedonstraße 2
Fernsprecher 31958

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⑦
Nuernberg, den 12. Mai 1948

An das
Militaer-Tribunal VI
N u e r n b e r g

1500
FILED 13 May 1948 with
Secretary General
for Military Tribunals
Defense Center

Betrifft: Rebuttal-Dokument NI-15299, Exhibit 2262.

Die Anklagevertretung hat im Rahmen ihres Rebuttal-Vortrages am 10. Mai 1948 eine eidesstattliche Versicherung des Mitgliedes der Anklagevertretung Herbert U n g a r vorgelegt. Das Affidavit selbst traegt kein Datum. Es wurde als Exhibit 2262 (NI-15299) angeboten.

In dieser eidesstattlichen Erklaerung wird Bezug genommen auf zwei Dokumente, die offenbar aus dem Krankenbau des Lagers Monowitz (Lager IV) stammen. Nach der Behauptung der Anklage stellt das eine Dokument (NI-15295) ein von Haeftlingen gefuehrtes Protokoll dar und enthaelt 1647 Nummern und Namen von Haeftlingen, die im Lager IV oder auf dem I.G.-Baugelaende in Auschwitz umgekommen sind.

Das andere Dokument (NI-14997) ist nach der Behauptung der Anklage ein Verzeichnis der Haeftlinge, die vom Haeftlingskrankenbau im Lager Monowitz nach Auschwitz oder Birkenau ueberstellt wurden.

Ich hatte bisher keine Gelegenheit, das Dokument NI-~~997~~ 14997 zu sehen, da es sich noch in der photostatischen Abteilung befindet. Es ist jedoch offensichtlich, dass schon nach den Behauptungen der Anklage es sich hier um kein echtes Rebuttal-Dokument handeln kann. Die Verteidigung hat bei Vorlage ihres Beweismaterials und bei der Vernehmung des Angeklagten Dr. Duerrfeld auf irgendwelche Zahlen im Zusammenhang mit der Ueberstellung von Haeftlingen nach Auschwitz und Birkenau nicht Bezug genommen. Es handelt sich hier um ein voellig neues Beweismaterial, das in keinem unmittelbaren Zusammenhang steht mit dem Vorbringen der Verteidigung. Dieses Material ist offensichtlich auch unerheblich, da nach dem bisherigen Ergebnis der Beweisaufnahme schon jetzt gesagt werden kann, dass die I.G.-Werkleitung in diesen Fragen keinerlei Zustaendigkeit hatte und die Ueberstellung von Haeftlingen in die Krankenhaeuser von Auschwitz und Birkenau ausschliesslich eine Angelegenheit der SS und ihrer Organe war.

Anders verhaelt es sich mit dem Dokument NI-15295. Dies ist offensichtlich insofern erheblich, als darin auch die Haeftlinge aufgefuehrt sind, die im Werk der I.G.

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durch Unfaelle oder auf andere Weise auf Arbeitskommando ums Leben gekommen sind. Eine fluechtige Durchsicht des Dokuments ergibt, dass in der Zeit vom 16. November 1942 bis zum 15. Jamar 1945 - also in 2 1/4 Jahren - insgesamt etwa 80 Haeftlinge durch Unfaelle ums Leben gekommen oder gestorben sind. Wir werden im Closing-Brief und im Plaidoyer zu dem Inhalt dieses Dokuments eingehend Stellung nehmen, da dieses von der Anklage jetzt zur Verfuegung gestellte Dokument in eindeutiger Weise zahlreiche Behauptungen der Zeugen der Anklage dokumentarisch und klar widerlegt. Ich bin nicht sicher, ob die Anklage das Dokument bereits identifiziert hat. Das deutsche Protokoll liegt mir noch nicht vor und ich konnte wegen Teilnahme an einer Sitzung beim Commisionare der Vorlage der Dokumente nicht selbst beiwohnen. Fuer den Fall jedoch, dass dies noch nicht geschehen sein soll, bezeichne ich das Dokument NI-15295 als Exhibit Duerrfeld 471 zur Identifizierung.

Ich widerspreche aber der Zulassung des Exhibits 2262 (NI-15299) und des Dokuments NI-14997, da sie keinerlei Zusammenhang mit dem Beweisvortrag der Verteidigung haben und daher nicht als echte Rebuttal-Dokumente angesehen werden koennen.

H. Seidel
Dr. Alfred Seidel
Rechtsanwalt

FILED 24 May 48 with
Secretariat General
Military Tribunal
Dated at Nuremberg

UNITED STATES MILITARY TRIBUNAL VI
SITTING IN THE PALACE OF JUSTICE, NUREMBERG, GERMANY
21 MAY 1948

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THE UNITED STATES OF AMERICA

- vs. -

CARL KRAUCH, et al.,

Defendants.

Case No. 6

ORDER

The motion of Dr. Werner Schubert, counsel for the Defendant BURGER, dated 5 May 1948, and filed 4 May 1948, to strike from the evidence the Prosecution's Exhibits 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1970 and 1971, as not being proper rebuttal, is overruled by the Tribunal.

Leicester B. Shane
Presiding Judge

James P. Morris
Judge

Paul M. Herbst
Judge

Clarence Ammann
Alternate Judge

Dated this 21st day of May 1948

PROSECUTOR NOTIFIED

DEFENSE NOTIFIED
24 May 48 - E J

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MILITARY TRIBUNALS	1530
Nurnberg, Germany	FILED 14 May 1948 with
UNITED STATES OF AMERICA	Secretary General
Against	for Military Tribunals
KRAUCH and Others (Case VI)	Defence Center

ANSWER TO A MOTION ON BEHALF OF THE DEFENDANT BUERGIN TO STRIKE
NINE PROSECUTION EXHIBITS FROM EVIDENCE

TO: The Secretary General, Military Tribunals (Room 281).

1. Answer is made to a motion by Dr. Schubert, counsel for the defendant BUERGIN, dated 3 May 1948 (translation not received until 1730 hours on 11 May 1948 - after the Tribunal had gone into recess), requesting the Tribunal to strike from evidence as improper rebuttal: (1) eight prosecution exhibits (1959 thru 1965 and 1970) used during the cross examination of the defendant BUERGIN on 5 May 1948; (2) one prosecution exhibit (1971) used during the cross examination of the defense witness Karl Weeber on 6 March 1948.

2. Identical questions have been raised in previous motions on behalf of the defendant KUEHNE (dated 20 and 26 April 1948) and the defendant KRAUCH (dated 7 May 1948) with respect to exhibits used several months ago in the trial during the cross examination of defendants. Reference is made to our answers to these motions and to the Tribunal's rulings over-ruling these motions. Apart from the fact that a defendant takes the stand for all purposes and that the best evidence to "shake down" general denials or evasive and indefinite testimony are contemporaneous documents such as these, the Tribunal will note that the motion contains considerable argument with respect to the weight to be given to these documents. If the Tribunal deems it important, upon request we shall make a note on the pages of the transcript involving each of these contemporaneous exhibits. But we suspect that the time required could be better spent by both parties in meeting

such matters in the final briefs.

3. WHEREFORE, it is respectfully requested that the motion be denied in its entirety.

By:

D. A. Sprecher

D. A. SPEECHER
Chief, FARREN Trial Team

For:

TELFORD TAYLOR
Brig. Gen. USA
Chief of Counsel

Nurnberg:

14 May 1948
(Date)

Shane 443
(4)

Motion of the defendant Buergin for rejection of cross-examination documents.

MILITARY TRIBUNAL No. VI

Nurnberg 3 May 1948

Case 6

UNITED STATES OF AMERICA

vs.

CARL KRAUCH et al.

1530
FILED 4 May 1948 with
Secretary General
for Military Tribunals
Dulles Center

The Tribunal has stated explicitly (transcript p. 10 261) that the cross-examination documents are anticipated rebuttal documents. The objections against rebuttal documents therefore can also be raised against cross-examination documents.

In this connection I start from the fact that the rebuttal of the Prosecution is to serve the sole purpose of refuting Defense evidence which contains new facts for the Prosecution. That the rebuttal shall have this sole purpose has been clearly stated by Tribunal No. IV in Case 5 (United States of America against Flick et al.) on pages 9985, 9988, 9997 of the transcript.

Referring to the decision of the Tribunal in the afternoon session of 30 April 1948 on the occasion of the introduction of the rebuttal documents by the Prosecution, I move the Tribunal finally reject the documents submitted during the cross-examination of the defendant Buergin:

Pros. Exh. 1959 - NI 14306 (English transcript, page 8454)

The allegation that the works of the plant community Central Germany manufactured products of vital military importance, other essential products and armament products was already drawn up by the Prosecution in its case-in-chief, and documents were offered in support of this. Exhibit 1959, which is supposed to prove that the defendant Buergin was to

deliver a lecture on war, armament- and other vitally important production in 1937, at a time when he was not yet a member of the Vorstand and, consequently, not yet responsible for the production on the whole, is therefore only cumulative in view of the fact that Buergin has not denied such a production.

Prosecution Exhibit 1960 - NI 14307 (English transcript, page 8455)

The same applies to the above exhibit provided, as can be assumed, the document is supposed to refer to the production of incendiary bomb cases in Bitterfeld which has already been alleged previously by the Prosecution and not denied by the Defense. The Prosecution did not allege another connection of the document with the production in Bitterfeld and it did not assert either that the document reached Buergin and that therefore the meeting of 1935, described therein, had to be known to him. Hence this document also has no value as evidence.

Prosecution Exhibit 1961 - NI 12127 (English transcript, page 8457)

and

Prosecution Exhibit 1962 - NI 14509 (English transcript, page 8458)

which are supposed to prove Buergin's employment as expert or "Referent" with the Office for Raw and Industrial Materials are merely cumulative as compared with the Prosecution Exhibits 475 and 512 and bring no new facts.

Prosecution Exhibit 1963 - NI 15158 (English transcript, page 8460)

is cumulative since the witness Balandier (Prosecution Exhibit 1398, Doc. Book 70) has already alleged that the Russian workers were living in a camp with barbed wire and since Buergin admitted this for a certain period of time. However, insofar as the shooting of a Russian by a member of the

factory guard is to be proven, this is entirely new evidence which does not refute the defense of the defendant and which therefore does not belong to the rebuttal.

Pros. Exhibit 1964 - NI 14557 (English transcript, page 8462)
originally offered as Exh. 1965)

reiterates only the charges that the French workers came involuntarily and that absence after furlough entailed drawbacks. It does not refute the defense and is therefore inadmissible as a rebuttal document.

Prosecution Exh. 1965 - NI 14560 (English transcript, page 8461;
originally offered as Exh. 1964)

likewise repeats only the allegation already drawn up by the witness Balandier that Russians were hanged in Bitterfeld; however, it limits the allegation to one specific case which the defendant Buergin admitted and explained and to which the witness Lang testified as well. This Exhibit, too, is cumulative only.

Prosecution Exhibit 1970 - NI - 14569 (English transcript, page 8548)

on the information given about aircraft types and numbers by an official of the Reich Air Ministry to subordinate employees of the IG brings entirely new allegations and is therefore inadmissible. The same is true for

Pros. Exhibit 1971 - NI - 8074 (English transcript, page 8564)

which deals with the six year development of the alloy Hy 43.

I move the Tribunal reject all of the above Exhibits.

/s./ Dr. Werner Schubert
Counsel for defendant Buergin.

Antrag des Angeklagten Buergin auf Ablehnung von Kreuzverhoer-Dokumenten. 443 ✓ ⑦

MILITAERGERICHT Nr. VI

Nuernberg, den 3. Mai 1948

Fall 6

VEREINIGTE STAATEN VON AMERIKA

gegen

Carl Krauch und andere

1530
FILED 4 May 1948 with
Secretary General
for Military Tribunals
Defense Center

Das Hohe Gericht hat (Prot. S. 10261) betont, dass die Kreuzverhoer-Dokumente vorweg genommene Rebuttal-Dokumente sind. Die Einwendungen gegen Rebuttal-Dokumente koennen also auch gegen Kreuzverhoer-Dokumente erhoben werden.

Ich gehe hierbei davon aus, dass das Rebuttal der Anklage ausschliesslich dazu dienen soll, ein Vorbringen der Verteidigung zu widerlegen, das fuer die Anklagebehoerde neues Tatsachenmaterial gebracht hat. Dass das Rebuttal nur diesen Zweck haben soll, ist vom Gericht Nr. IV im Fall 5 (Vereinigte Staaten von Amerika gegen Flick u.a.) im Protokoll auf den Seiten 9985, 9988, 9997 klar zum Ausdruck gebracht worden.

Auf Grund der Entscheidung des Hohen Gerichts in der Nachmittagssitzung vom 30. April 1948 anlaesslich der Vorlegung der Rebuttal-Dokumente durch die Anklage bitte ich deshalb, folgende im Kreuzverhoer des Angeklagten Buergin vorgelegten Dokumente endgueltig ablehnen zu wollen:

Anklage-Exh. 1959 - NI 14306 (engl. Protokoll Seite 8454)

Die Behauptung, dass die Werke der Betriebsgemeinschaft Mitteldeutschland kriegs- und lebenswichtige und Ruestungsprodukte hergestellt haben, hat die Anklage bereits in ihrem Hauptfall aufgestellt und Dokumente dafuer vorgebracht. Das Exhibit 1959, das beweisen soll, dass der Ange-

klagte Buergin 1937 ueber die K-, R- und L-Produktion einen Vortrag halten sollte, zu einer Zeit, als er noch nicht Vorstandsmitglied und daher fuer die Produktion im ganzen noch nicht verantwortlich war, ist demnach nur kumulativ angesichts der Tatsache, dass Buergin eine solche Produktion nicht bestritten hat.

Anklage-Exh. 1960 - NI 14307 (engl. Protokoll-Seite 8455)

Hierfuer gilt das Gleiche, wenn, wie anzunehmen, das Dokument auf die schon von der Anklage frueher behauptete und nicht bestrittene Herstellung von Brandbombenhuelen in Bitterfeld Bezug haben soll. Eine andere Beziehung des Dokuments zu der Erzeugung in Bitterfeld hat die Anklage nicht behauptet und sie hat ueberdies auch nicht behauptet, dass das Dokument Buergin zugegangen sei und ihm also die darin beschriebene Tagung von 1935 bekannt sei. Das Dokument ist deshalb auch ohne Beweiswert.

Anklage-Exh. 1961 - BI 212 (engl. Protokoll-Seite 8457)

und

Anklage-Exh. 1962 - NI 14509 (engl. Protokoll-Seite 8458),

die beide die Verwendung Buergins als "Sachverstaendiger" oder "Referent" beim Amt fuer Roh- und Werkstoffe beweisen sollen, sind gegenueber den Anklage-Exhs. 475 und 512 lediglich kumulativ und bringen nichts Neues.

Anklage-Exh. 1963 - NI 15158 (engl. Protokoll-Seite 8460)

ist kumulativ, da bereits der Zeuge Balandier (Ankl. Exh. 1398, Dok. Buch 70) behauptet hat, dass die russischen Arbeiter in einem Lager mit Stacheldraht lebten, und da Buer-

gin dies fuer eine gewisse Zeit zugegeben hat. Insoweit aber als die Erschiessung eines Russen durch einen Werk-schutzmann bewiesen werden soll, ist es ein gaenzlich neues Vorbringen, das nicht die Verteidigung des Ange-klagten widerlegt und das deshalb nicht in das Rebuttal gehoert.

Anklage-Exh. 1964 - NI 14557 (engl. Protokoll-Seite 8462;
urspruenglich angeboten als Exh. 1965)

wiederholt nur die Vorwuerfe, dass die franzoesischen Ar-biter unfreiwillig gekommen seien und dass ein Fortbleiben nach dem Urlaub Nachteile nach sich zog. Es bringt keine Widerlegung der Verteidigung und waere somit als Rebuttal-Dokument unzulaessig.

Anklage-Exh. 1965 - NI 14560 (engl. Protokoll-Seite 8461;
urspruenglich angeboten als Exh. 1964)

wiederholt gleichfalls nur die schon vom Zeugen Balandier (Exh. 1398) aufgestellte Behauptung, in Bitterfeld seien Russen erhaengt worden, schraenkt sie aber ein auf einen bestimmten Vorfall, den der Angeklagte Buergin zugegeben und erklaert hat und ueber den auch der Zeuge Lang ausge-sagt hat. Das Exhibit ist gleichfalls nur kumulativ.

Anklage-Exh. 1970 - NI - 14569 (engl. Protokoll-Seite 8548)

ueber die Mitteilung von Flugzeugtypen und Flugzeugzahlen seitens eines Beamten des Reichsluftfahrtministeriums an untergeordnete Angestellte der IG bringt voellig neue Be-hauptungen und ist deshalb unzulaessig. Das Gleiche gilt fuer

Anklage-Exh. 1971 - NI 8074 (engl. Protokoll-Seite 8564),

das ueber die sechsjaebrige Entwicklung der Legierung Hy 43 spricht.

Ich beantrage, alle vorstehend aufgefuehrten Beweis-stuecke ablehnen zu wollen.

Dr. Werner Schubert
(Dr. Werner Schubert)
Verteidiger des Angeklagten
Buergin

UNITED STATES MILITARY TRIBUNAL VI
SITTING IN THE PALACE OF JUSTICE, NURNBERG, GERMANY
21 MAY 1948

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THE UNITED STATES OF AMERICA

- vs. -

CARL KRAUCH, et al.,

Defendants.

Case No. 6

ORDER

The Tribunal finds that the motion to dismiss the cause filed on 5 May 1948 by Dr. Edward Wahl and Dr. Rudolf Dix, on behalf of all the defendants, raises questions of law concerning the legality and jurisdiction of the Tribunal.

IT IS ORDERED, therefore, that the consideration of the petition be postponed until the final determination of the cause, after the Tribunal has had the benefit of the arguments and briefs of counsel.

Leopold E. Hane
Presiding Judge

James M. Mores
Judge

Paul M. Herbert
Judge

Clarence H. M. Hall
Alternate Judge

Dated this 21st day of May 1948

PROSECUTOR NOTIFIED

DEFENSE NOTIFIED

24 May 48 - EG

444
②
1530
MILITARY TRIBUNALS

Nurnberg, Germany

UNITED STATES OF AMERICA

Against

KRAUCH and Others (Case VI)

FILED 14 May 1948 with
Secretary General
for Military Tribunals
Defense Center

ANSWER TO TWO GENERAL MOTIONS OF THE DEFENSE GENERALLY
CHALLENGING THE JURISDICTION OF THE TRIBUNAL, THE FUNDAMENTAL LAW,
ETC., ETC.

TO: The Secretary General, Military Tribunals (Room 281).

1. Answer is made herein to two general motions which Dr. R. Dix stated on the record being filed on 5 May 1948 (English transcript 13553-5). The first is the so-called "Professor Wahl" motion, filed 5 May 1948, requesting that the case be dismissed because "the actions indicated do not fall under the jurisdiction of the Military Tribunal for reasons of internal American law as well as international law" and that "the court is not staffed according to the principles of American military law". The second motion, as Dr. Dix stated on the record, has been lifted from a similar or identical motion filed in the Krupp Case which was submitted by the American defense counsel Mr. Robinson (hereafter referred to as the Robinson motion). This second motion includes separate motions to dismiss the case for lack of jurisdiction, alleged failures under "the military law of the United States", insufficiency of the facts alleged, fatally defective pleading, misjoinder, lack of jurisdiction of ^{the} person ^{of} the defendants, etc., etc.

The "Professor Wahl" Motion

2. A ^{reading of} ~~statement~~ of this 21-page motion (in the single space translation) indicates that it is nothing more than a studied attempt to challenge the jurisdiction of the Tribunal and the established international law which has been applied by the IMT and all American military tribunals in Nurnberg thereafter. Such a challenge is contrary to Article II (e) of the Military Government Ordinance No. 7, which establishes the military tribunals. In our opinion there is nothing distinctive in the motion and nothing basically new. Any basic arguments in this motion have been answered many times by the

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IAT and other military tribunals in Nurnberg.

The "Robinson" Motion

3. Except for some formal differences, the text of this motion is almost verbatim with the motions filed in the Krupp Case (Case No. 10) on 29 March 1948. The prosecution in Case No. 10 answered this motion (or group of motions) on 12 April 1948. These motions (and several others) were over-ruled, separately and severally on 28 April 1948 by Tribunal III with the following ruling:

"Upon consideration of said motions the Tribunal is of the opinion that the respective replies of the prosecution are an adequate answer to said motions and that for this and other satisfactory reasons, the said motions and each of them should be overruled. It is accordingly so ordered."

If the Tribunal thinks it of sufficient importance, we shall be glad to furnish copies of the relevant formal papers in the Krupp Case. In filing this motion Dr. Dix made some special point of the fact that it had certain words of art peculiar to American procedural pleading ("They are so much in American legal language" - T. 13553) and hence apparently thought they had some special merit. Although it is true that much of the verbiage of this motion reads like an early common law Horn-book on pleading, and although it may conceivably have had some competence in the Krupp Case, it has been transposed to the Farben Case without any apparent effort to direct itself to any special allegations, facts, or problems, which are distinctive to Case No. VI. Under the circumstances we do not ourselves think it useful to reply further to such a "shot gun" motion. The motion attempts to re-open many many issues which have been decided already in this case (such as inadequacy of the pleading, etc.). It pays ~~so~~ ^{OR NO} little attention to procedures, practices or precedents applied in hundreds of war crimes trials by Tribunals staffed by judges from numerous nations. A more lengthy answer here would not be responsive to any substantial matter in our view.

By:

D.A. SPEECHER, Chief, FARBE Trial Team

For:

TELFORD TAYLOR
Brig. Gen. USA
Chief of Counsel

Nurnberg: 14 May 1948
(Date)

2641

Motion, Case 6, by
Dr. WAHL

The Defense
of Case VI

(Stamp) Filed 5 May 1948, 1625
with Secretary General
for Military Tribunals
Defense Center

To the
Military Tribunal VI
I.G. E. R. Case

In the trial of KRAUCH et al.

we ask that the case be dismissed, because

A) the actions indicted do not fall under the jurisdiction
of the Military Tribunal for reasons of internal American
law as well as international law,

B) the court is not staffed according to the principles
of American military law.

II.

The defense holds the opinion that the Nuernberg
Military Tribunals are not Control Council Courts, but
American military commissions authorized by the Control
Council, for which certain principles of American
constitutional law are decisive, as well as the guaran-
tees of rights to be derived from international law.

Particularly binding for the military commissions is
the prohibition of ex post facto law, which is violated
by Control Council Law No. 10. Furthermore, the question
should be raised as to whether from the point of view of
American constitutional law, authorizing a military
commission to carry on such qualified and highly poli-
tical trials is not a misuse of the powers invested in
the military executive in conducting a war. The question
gains real importance only when the recognized prin-
ciples of international law for the conduct of a criminal
trial are cited.

Motion, Case 6, by
Dr. WAHL

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Both questions pertain to the limits of jurisdiction of the military commission, a clear idea of which must be gained by the court to which the case has been taken. The resulting decision on these questions may be verified by regular American courts in a proceeding of habeas corpus.

From this we have derived the following plan of presentation:

- I. Military Tribunal VI is an American Military Commission authorized by the Control Council.
- II. Control Council Law No. 19 cannot be reconciled with the American Constitution and the recognized principles of international law, because it violates the principle nulla poena sine lege as well as the principle that no one can be a judge in his own case.
- III. The guarantees of trials contained in Ordinance No. 7 fall short of the minimum requirements of international law.

I.

The Nuernberg courts are military tribunals. There can no longer be any German military tribunals because on the basis of the capitulation and the legislation of the Control Council, there are no longer any German military institutions. Rather, there are military courts which have been set up by the Allies by virtue of the military occupation of Germany for performing a task which every occupying power typically claims for itself: to bring to punishment war crimes which were committed by members of the occupied countries. To be sure, it cannot be denied that violations of the Hague Rules of Land Warfare can be punished by the nation of which the violator in question is a citizen. In the Hague Convention this type of sanction is provided for above all, since the contracting nations pledge themselves to introduce appropriate internal criminal law. But the military tribunals sitting in Nuernberg are not for this reason German tribunals. According to the Control Council Law, the German courts can only be commissioned in exceptional cases to pass sentence on war crimes, and typically,

(page 3 of original)

only when the plaintiffs are German or stateless persons, from which it may be seen that the courts normally having jurisdiction are in any case not German courts. One must have clearly in mind the fact that on the one hand the occupation powers exercise the rights of the German Reich Government as custodians, but on the other hand also avail themselves of the authority of the military occupying power as well. Judged dispassionately, they act in accordance with the second alternative when they try war criminals as defined by Control Council Law No. 10 who as a rule have transgressed against the occupying powers or their allies, before their own military courts.

At the utmost, therefore, one can only ask the question as to whether the Nuernberg military courts are courts of the Control Council or of the American occupation authorities. Undoubtedly they must fulfill a commission by the Control Council, but in the case of all unified territories, the duties assigned by the central authority are not necessarily carried out by organs of that central authority. Organs of the individual territories can also be assigned for these duties.

This is also true, for example, in American Federal law. Thus, the Supreme Court of the United States stated in the case of *Collector vs. Day* 11 Wall. 113 (1871) that only a few articles of the Constitution of the United States "could be carried into practical effect without the existence of the States", i.e., the individual states are the organs which must put the duties of federal law into practice. This is especially true for the courts. Matthews, *American State Government* 1925, Vol. I, p. 15 states: "The State courts are often called upon to interpret, apply, and enforce the constitution and laws of the United States, both judicially and administratively." The author refers to the *Clefflin vs. Houseman* 93 U.S. 130: The laws of the United States are laws in the several States and just as much binding on the citizens and courts thereof as the state laws are. In *Second Employer's Liability Case* it is stated even more clearly: "The fact that a state court derives its existence and functions from the state law" is no reason why the

(page 4 of original)

law of the United States should not be applied by them. In all systems of federated states, the figure is more or less the same. With the exception of the Reich Supreme Court, until 1935 all German courts were either Prussian, Bavarian, Wuerttembergian, etc. courts and the greater part of the law which they had to administer was Reich law, i.e. law which the German Reich had created.

This is the situation here too. The Control Council resolved to try the German war criminals, but it had no institutions of its own, and so the zonal commanders in accordance with their inherent military right assumed the responsibility in the scope of their military functions of setting up courts whose duty it was to carry out this task.

Therefore, it must be tested in the individual case as to whether an authority which is active in a federal union of states is a central authority or an lower level authority of the individual territory, and this must be judged and examined in each individual case according to the legal characteristics which appear when the institution in question is established. Just after the International Military Tribunal was first convened in Nuernberg with judges of all the nations participating in the Control Council, the present solution apparently shows a shifting of the center of gravity to the individual occupation authorities. The transition of the jurisdiction for punishing war crimes from the I.M.T. to the military tribunals of the four zones of occupation is in harmony with the general political development, which has led to their becoming increasingly independent even in the joint matters of the Control Council. Numerous German legal scholars have pointed out that the zonal boundaries no longer mark off more administrative districts, but more and more, spheres of sovereignty. All the greater significance should be attached to these statements as the German jurists would be least likely to acknowledge lightly the disintegration of German unity, which they regret most deeply. In any case, in Law No. 10 the Control Council did not even issue general directives for setting up, staffing, and method of procedure of the new courts for passing sentence on war crimes, or retain for itself any influence upon the conduct of the trials,

(page 4 of original)

law of the United States should not be applied by them. In all systems of federated states, the figure is more or less the same. With the exception of the Reich Supreme Court, until 1935 all German courts were either Prussian, Bavarian, Wuerttembergian, etc. courts and the greater part of the law which they had to administer was Reich law, i.e. law which the German Reich had created.

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but according to Art. II, 2, it is the affair of the zone commander to appoint the court for his zone, and to issue the order of procedure to be applied there. This is what happened in the four zones and that very American order of procedure which is contained in Ordinance No. 7 provides in Art. II c that the zonal commander can use his own judgment in refusing the request of another occupying power to participate in a trial because the national character of the newly created military tribunals of the individual zones is unconditionally the point of departure.

The military tribunals of the American zone are staffed exclusively with American judges. Before them the indictment is read in the name of the USA, by the Chief Prosecutor for War Crimes, who has been appointed by the Military Governor in accordance with section III of Decree No. 9,679 of the President of the USA dated 16 January 1946. In case of a death sentence, the judgment of the court requires confirmation by the American Military Governor (Art. 26), the latter also is entitled to reduce sentence pronounced by the court (right of pardon, Art. 15 and 17). Execution of sentence is, therefore, in the hands of members of the American Army of Occupation. Also characteristic are the American flag in the courtroom, as well as the words with which the Marshal of the court opens each day's session: "God preserve the United States of America and this honorable tribunal."

Finally it should be pointed out that the American Congress discussed the financing of the Nuernberg trials, and thus regards them as American institutions.

Thus, according to the structure of these tribunals, they are so-called military commissions as defined by the American military law, as found, for example in the work of William WINTHROP about "Military Law and Precedents", Washington 1920, p. 836 ff., where particular emphasis is laid on the fact that the military commissions may be more closely regulated by special statutes. Only from this point of view can the position and the method of procedure of the Nuernberg military Tribunals now in session be naturally explained. The prosecution, of course, takes a different point of view: the fact that all judges and all prosecutors are Americans may be explained by the fact that

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Motion, Case 6 by Dr. WAHL

a state should agree that an alien government prefers charges before its courts or to designate judges of its own nationality to those courts. However, nothing is known about such a practical application of this principle by a state. In order to formulate an example, if, let us say, the French Government would have been interested, before the war, in having a certain German prosecuted by German courts, it would have been inconceivable for the German Government to agree, that the French Government i.e. a French prosecutor, should prefer charges before a German court but the German Government would have preferred charges in its own name, in order to comply with the wishes of the French Government. To apply this to our case: If the Americans are interested that certain Germans are to be prosecuted before a Control Council Court, then to be sure it would be not possible that the Control Council Government would direct its prosecution to prefer charges in the name of America, but only for the sole reason because no prosecution of the Control Council exists and with this statement we arrive at the decisive argument. The zone commanders put the administrative organizations of their occupation armies at the disposal of the Control Council for the execution of its duties. However, thereby they do not become organs of the Control Council but remain that they are, American, French, English, Russian courts. The statements of the prosecution in the document quoted show that the Military Commissions, set up by General Eisenhower by the decree of 25 August 1945, served the Control Council as models. Therefore it cannot be maintained without twisting the meaning of the matter, that the Military Tribunals now in session here, are not American tribunals. Herbert ARAUS, in his lecture "Court Session at Nuremberg" advocated the same thesis. Ordinance No. 7 emphasized quite correctly the powers of the Military Governors (pursuant to the powers of the Military Governor) and mentions only as of secondary importance the power of the Control Council. After all, according to the authoritative regulations the following courts are to be distinguished as competent to pass judgment on war crimes;

Motion, Case 6, by Dr. HALL

1. The International Military Tribunal (case 1)
2. The Military Tribunals of the individual occupation zones, which deal in Nuernberg with cases 2 ff.
3. German courts, which in accordance with art. III 1 B, Control Council Law No. 10, are authorized by the zone commanders to bring to trial certain kinds of war criminals.

Ad. 1

The IMT is based on a pact of the four occupying powers and was jointly set up and staffed by them. Therefore the Control Council exercises the right of pardon. From the right of exercising pardon it is discernible in whose name the law is applied. It is a well founded axiom of the history of constitutions that the right of exercising pardon is a privilege of the representative of the supreme authority from which also the power of jurisdiction of the court derives. The applicable law was international law, supplemented by the pact of the four occupying powers. Legal guarantee of a national state constitution were not imperative for the execution of the proceeding.

Ad 2

The Military Tribunals now in session at Nuernberg characterize themselves partly in their own verdicts and resolutions as American tribunals. For instance, in the judgment against General Fieldmarshall Milch (page 13 of the German transcript) it reads: "It must be constantly borne in mind that here an American court is applying the law". The limited interpretation which the prosecution lends to this sentence is pertinent only insofar that of course the Military Tribunals are supposed to apply not only American law, as it was pointed out conclusively in the judgment against the jurists, but in view of its international significance, first of all international law. However, the authority of exercising pardon is the American Military Governor. The guarantees of the American prosecution are applicable to a certain degree.

Ad. 3.

If in the individual occupation zones the Military Commanders

make use of the authority entrusted to them to bring to trial war criminals before German courts, then the standards of procedure are those of the German law of procedure which grants the constitutional rights of the existing German constitution and not that of the American constitution.

II.
a)

It is an uncontested and incontestable fact that in the history of international law leading statesmen and certainly not all businessmen and industrialists who participated in the rearmament program, were never punished for an aggressive war. It is furthermore a well established fact that prior to the LNT trial the culpability of aggressive war was nowhere established in the pertinent literature as valid international law.

The foreign and domestic critical evaluation of the LNT judgment have highlighted this particular point. The LNT judgment itself did not maintain, that prior to the Kellogg pact apart from the case of the Kaiser (emperor) which was not carried out, aggressive war was not a culpable crime. However, with regard to the Kellogg pact, Secretary of State Stimson declared even on 8 August 1932 in a speech before the Council on Foreign Relations in New York:

"The Kellogg-Briand pact contains no provisions for compulsory sanctions. It does not demand that a signatory power execute coercive measures in case the pact is violated. Moreover, the pact is founded on the sanction of public opinion, which can be turned into the mightiest sanction in the world".

With regard to the case of the Kaiser (emperor) Kellogg is right in pointing out that apart from the Treaty of Versailles the culpability of the German monarch was without any legal foundation. For that reason the USA advocated in the commission which was set up in 1919, the impossibility of legally substantiating an indictment against the German Kaiser (see; J. Brown Scott; House Seymour, "What really happened at Paris", London 1921, page 237, 239). Correspondingly, also the "Government of the Netherlands" in its note of 21 January 1920, which contained the refusal of the extradition request of the Allied

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Motion, Case 6, by Dr. WAHL

declared that it could not recognize a legal obligation to join an act of high international politics of the powers:

"If in the future through the League of Nations, an international legal basis (for an organization) should be created which would be entitled in case of a war, to have the jurisdiction about facts which were characterized as crimes and sanctioned as such by a prior established statute, then the Netherlands would join the new order of international relations".

That means the Government of the Netherlands viewed Article 227 of the Treaty of Versailles as constituting a retroactive penal law and therefore did not consider it as a legally tenable basis for an extradition request. Some Americans have therefore repeatedly criticized the fact that the IMT judgment violated the prohibition of the ex-post-facto-law. From the wealth of critical material only the following should be mentioned:

Hans Kelsen, Professor at the State University of California writes in "International Law Quarterly" Summer 1947 issued under the title "Will the Judgment in the Nuernberg Trial constitute a Precedent in International Law?"

"That the London agreement is only the expression, not the creation of the new law is the typical fiction of the problematic doctrine whose purpose is to veil the arbitrary character of the acts of a sovereign law-maker".

Professor Max Radin writes in "Justice in Nuernberg", Foreign Affairs, April 1946, page 369 ff:

"If aggressive war is characterized as an international crime then this is understood to be a rhetorical term, but not a term with a definite legal content".

"I do not think that in the many discussions of the matter by Mr. Jackson and others the challenge has been met".

Foremost, however, it was pointed out quite clearly in that famous "letter to the editor" which was published by the New York Times on 18 November 1945 under the name of Karl R. Price

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that the IMT trial in its legal and political significance constitutes a glorious achievement.

The crux of the question therefore is, to contradict the repeatedly tried proofs that in spite of the flagrant violation of the traditional international law, no infringement against the maxim of "nulla poena sine lege" can be claimed. These attempts can be classified into four groups. The first group to which the IMT judgment itself contributed a share tries to prove that aggressive war was already previously a crime, because war in the colloquial usage of the term and also in solemn proclamations was always characterized as a crime. However, nobody is able to deny the fact, proved in detail by numerous authors, that the characterization of war as a crime is devoid of its definite legal content.

Sokol, the Polish delegate at the Geneva negotiations writes with regard to the Geneva resolution of 1927, referred to in the IMT judgment, in his commission report:

"All things being equal in judging whether the crux of the resolution does not constitute such a juridical instrument which, to put it bluntly, arguments concretely the security, and is sufficient into itself, the third commission has been unanimous in appreciating the extensive moral and educational import of this fact".

2.

weaker still is the argumentation of Jackson: In war the human beings are killed, property destroyed, both crimes per se, which according to ancient beliefs lose their illegal character when committed in war. However, if they are committed in a prohibited aggressive war, concludes Jackson, then this justification becomes void and the actions of war become therefore nothing less than a series of criminal actions. If this reasoning were correct, then every German soldier would be a criminal, who had to be held criminally accountable for every shot he fired during the war and also everybody who participated in rearmament work would be an accomplice in this crime.

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The IMT judgement itself did not take any notice of this argumentation, because it expresses an conception of international law which does not hold water.

3.

The fact that until the imposing of the IMT judgement a punishment-sanction for aggressive war did not exist is not even contested by those who welcome the judgement as an advance of legalistic practice and who hold it to be characteristic of the gradual developing of the case law that, imperceptibly new legal concepts permeate the administration of justice which does not constitute a break with the past. This way of interpretation may at most be suitable of being advocated from the point of view of the historian, but from the point of view of judge it is a monstrosity. It must be conceded that the case law in the course of its evolution by a gradual surrender of ancient legal concepts, or a gradual introduction of new legal concepts, adapted itself in each case to the actual changes of the social and moral aspects, but if any phase in the evolution of law demands a crystal-clear attitude, whether the judge clings to traditions to which he is bound, or whether he creates a new law which fundamentally belongs to the prerogatives of the legislator, then it must be the introduction of the death penalty for a conduct (action) for which at the time of the action in question a punishment sanction did not exist. To argue here with the parallelism of those case which interpret in an extensive or restrictive manner an ancient maxim, is at best a surprising lack of perspective for which political considerations more than judicial objectivity are responsible. What sense would the prohibition of the ex-post factor-law still have, if in such

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extreme cases such considerations could be simply thrown over board ? At all events, it is just the American Constitution in which for the first time the principle of "nulla poene sine lege" was formulated, although the bulk of the American law consists of case law.

4.

Professor Wechsler of the Columbia University, tries to master the difficulty by promulgating the not proved and not provable thesis that the maxim

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"nulla poene sine lege" is an accomodating character of national law, alien to the nature of international penal law. However, the IMT judgement itself tried to prove that its decision does not violate the maxim "nulla poene sine lege". The Government of the Netherlands too, when refusing the extradition of the Kaiser - without arousing at this time any contradiction obviously advocated the contrary point of view, and if international law is supposed to be augmented from the recognized legal maxims of the civilized nations, then the Control Council Proclamation No. 3 proves that the passage which excludes retroactive penal laws belongs to those great constitutional achievements of which all civilized nations are proud. In doing so, this proclamation of the Control Council concerned itself only with a comparatively insignificant infringement of the maxim "nulla poene sine lege". The National Socialist additional clause to the penal code (Strafgesetznovelle) permitted only to a limited degree the analogy of law, and the Reich Supreme Court has found that the analogy is not to be applied, if the legislation intentionally leaves out an action as not punishable. In our case, however, it concerns a revolutionary change of the existing system of international law, a surrender of the main thoughts themselves, which cannot be justified with an analogy of any type whatsoever. Even Wechsler cannot deny that for the future a new legal condition within international law through laws which are agreed upon by way of state treaties may be created and the government of the Netherlands had just such a legal progress in mind when it declined the extradition of the Kaiser in consideration of the valid law.

What is true for aggressive war, is likewise true for the remaining counts of the indictment. That private individuals are to be held responsible for the crimes of the political agencies of the state, represents a completely new conception of law.

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A punishment of enemy war criminals is out of the question according to the rules of the traditional international law in cases when the crime was not committed out of an individual impulse, but by obeying orders of superiors, i.e. if according to international law not the individual himself but the government of a state is accountable for it.

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In the famous standard work of the English Science of International Law, the "International Law" by OPPENHEIM (4th edition of 1926 revised by A. Mc.Nair paragraphes 253 reads:) "Violations of rules regarding warfare are crimes only when committed without an order of the belligerent Government concerned. If members of the armed forces commit violations by order of their Government, they are not war criminals, and may not be punished by the enemy, the latter may, however, resort to reprisals."

If international law, as a consequence of the prevailing principle of sovereignty, held the individual citizen not responsible, then also practical considerations played a part for this assumption.

- 1.) How should it become possible to govern, if every citizen sets himself up as a judge over the political measures of his own government? In the Mackintosh case the Supreme Court of the United States found on 25 May 1931 with this view in mind, that the right to refuse serving his country either morally or with weapons, if according to his opinion a war is not justified cannot be granted to the individual citizen. The citizen cannot reserve for himself the right to make his own specific political decision.
- 2.) Who protects the citizen if by referring to international law, he acts contrary to the laws and measures of the country to which he is indebted for his entire existence?

In the judgement of the Nuernberg trial in the jurists' case, the opposite opinion was held. The limitation of responsibility set forth in the IMT trial by the French prosecutor de Menthon, in his opening speech of 17 January 1946, to limit the responsibility "to those who act directly for the State", is here no longer adhered to.

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Now even every subject of a state is supposed to be held responsible for the fact of a crime according to international law, if it can be proved that he "knew or should have known that in matters of international concern he was guilty of participation in a nationally organized system of injustice and persecution shocking to the moral sense of mankind and that he would be subject to

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to punishment if caught". (page 32a of the German transcript of the judgment).

The clear formulations show that this constitutes a break with the prevalent science of international law which amounts to the same thing as the recognition of an ex-post-facto-law.

Of course, the above mentioned thoughts are not intended to mean that common crimes should not be held punishable, but in such a case the prosecution has to indict a person and to prove him guilty.

b)

The prohibition of the ex-post-facto-law has to be adhered to by the prosecuting court not only according to the American constitutional law but also according to international law. Whereas with regard to the constitutional guaranties provided by the American constitution as for instance the right of the accused to be confronted with the witness, it could be argued that these guaranties are not valid for a military commission, because the military commission does not form a part of the American judicial system, for which the principles of the constitution are applicable in the first line, it has to be stated that the prohibition of the ex-post-facto-law is not only a rule referring to the judicial system, but a barrier of the legislative power, which according to its meaning is valid for all those authorities which are entitled to apply law in the name of the United States. Reasoning that way, it is recognized that the prohibition of the ex-post-facto-law is valid not only for the legislative bodies of the United States but also for the authorities responsible for the administrations.

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R o t t s c h n e f e r writes in his book, "On Constitution Law" page 768: "They apply to every form of legislative actions whether it consists of statute or municipal ordinance". Now one can of course bring up the question, whether an auxiliary agency of the Military Government and the Military Commissions are to be regarded as such is entitled to examine the legislative power of the Military Commands for their constitutional limitations. However, this right has to be conceded to the Military Commissions,

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It cannot be assumed that the power of authority of the Military Commands is superior to those acts of legislation which are sanctioned by Congress itself. If another point of view were to be advocated, then the Military Commissions would constitute a convenient Trojan-horse method of setting up a dictatorial totalitarian system. The latitude of the executive body has its inner limitations: It is an inconceivable assumption that according to the American constitution, the President could issue penal laws, which the Congress would find itself unable to enact. Under these circumstances the High Tribunal is likewise not bound to the opinion of the IMT judgement which claims that preparation for aggressive war, as well as the participation of private individuals in violations of stipulations of international law committed by their government, have always constituted crimes. In any case, the guarantees of the constitution are authoritative for American Occupation Courts insofar as they imply a non-technical or remedial character. The Military Government Court Letters of 10 January 1948 state in that respect:

"There is no longer a need for the necessary disregard of some of the customary procedural safeguards of American law in law enforcement. It is therefore desired that Military Government Court proceedings in all essential points conform to the traditional procedures of American law which apply whenever the life, liberty or property of an individual are subjected to penal procedure."

For the IMT as an international tribunal, the traditions of Anglo-American law were not binding. Its

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Its decision constitutes no precedent, because the problems are now altered by the American character of the High Tribunal .

Similarly neither does ordinance 7, which prescribes that the IMT judgement is binding, bind an American court. The same result can be derived also from the stipulations of international law. Courts of an Occupation Power are bound to the limitations of international law and, as already mentioned, the prohibition of the ex-post-facto-law is simultaneously a maxim of international law.

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Winthrop writes on Military Government powers on page 801:

"In such cases the laws of war take the place of the constitution and laws of the United States are applied in time of peace....."
This language, strong as it may seem asserts a rule of international law recognized as applicable during a state of war."

and on page 773:

"By the term Law of War is intended that Branch of International Law which prescribes the rights and obligations of belligerents...."

Therewith , also the Military Commission is bound to the stipulations of international law, and it is in no way to be assumed that the Military Governors of an occupied country, who have so extraordinary many and effective possibilities to bring about law and order in the occupied country by way of direct compulsory administrative measures, are entitled to disregard the prohibition of retroactive penal laws contained in the general conceptions of international law. The complete collapse in Germany and the unconditional surrender did not bring about a complete lack of legal protection for the Germans; on the contrary these ^{facts} charge the Allies, to use an expression from the Huernberg judgement ag inst the jurists "with a categorical human duty of a far wider sphere" than the Hague Rules of Landw rfare would provide in an occupied country. (see page 9, German Transcript of the judgment in the jurists case.)

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What is true here for the authoritative decree, is likewise true for the London agreement. The national law, too, holds that pacts pertaining to international law have to be ratified by Congress. Apart from these pacts, however, there are also so-called agreements which can be concluded by the President without the consent of Congress by reason of Executive Powers. However, it cannot be assumed that such agreements as above could contain clauses which Congress itself would approve. It is said that the determination of the question whether an agreement requires ratification or not, is not up to the courts to decide, but at the same time it is pointed out that the power of a ratified agreement cannot be greater than that of any normal law. This means, however,

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that the limits of the legislative branch also apply for international agreements, whether they were concluded by the President alone, or with the consent of Congress.

c.

The London Agreement and the Control Council Law No. 10 have, however, still another failing, which must have a legal effect, and which in the opinion of an English critic of the IMT judgment was ignored in its de facto basis as well, owing to the embarrassment which would thereby have resulted for the tribunal. The Control Council Law threatens the aggressive war undertaken by HITLER against Poland in 1939 with severe punishment, although it is positively known that Russia, also one of the signatory nations to the Kellogg Pact, as one of the controlling powers responsible for the Control Council Law, took part in this aggressive war as proved by the secret treaties between MOLOTOV and RIBBENTROP which have been submitted. Thus we have a case where a standard for punishment is issued or co-issued by a co-conspirator in the crime indicted. This standard for punishment has the character of a sentence because it does not fix the punishment for a future act, as does the normal penal law, but for a case concluded at the time of the issuing of the law, which was made in reality by a limited circle of participants. The London Agreement even has the title "Agreement for the Prosecution and Punishment of the Chief War Criminals of the European Axis". In order of administration of justice and literature concerning the prohibition of the ex post facto law, the difference between the normal penal law for the future and the standard of punishment for a crime already committed is clearly worked out. It is stated that the prohibition of ex post facto law is intended precisely to prevent the political passion of a parliament, as happened in England, from fixing new punishments for past actions, since it is solely the business of the judge to apply the laws already in effect to past actions. Laws which fix retroactive punishment for past crimes would have the

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significance of a penal sentence. In the fundamental decision *Calder v. Bull* from the year 1798, which is still printed today as Leading Case in the modern collection of Thayer "Cases on constitutional law", it is stated:

"The prohibition against their making any ex post facto law was introduced for greater caution, and very probably arose from the knowledge that the Parliament of Great Britain claimed and exercised a power to pass such laws, under the domination of bills of attainder, or bills of pains and penalties, the first inflicting capital, and the other less punishment. These acts were legislative judgments and an exercise of judicial power".

Control Council Law No. 10 is such a law. A participant in the action which is being punished has a part in this legal penal sentence. Such sentences, however, cannot be pronounced by a collaborator of the defendant. He passes judgment in his own affair, he is *judex inhabilis*. As far as Russia is concerned, it is a law which was issued by the same government which participated in the aggressive war. Thus there is a case of the administration of penal law which appears in the form of a law, to be sure, but to all intents and purposes is to secure and execute punishment of certain persons for certain actions, as would a sentence. This act of administration of penal law is null, and void because a *judex inhabilis* took part in issuing the law.

That no one can judge his own case is a general principle of the law of all civilized nations and has everywhere become legally valid in one way or another. Following the Roman law, the doctrine was especially expanded in German law, which for centuries has separated the *judex inhabilis* from the *judex suspectus*, and makes the presence of the former a ground for nullity if the necessary rejection of the judge by the prosecution in *judex suspectus* did not take place.

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In view of this legal situation, we need not go more closely into the matter of whether the Nuernberg trials, as they are now developing, without guarantees for their staffing, without a coherent order of procedure - Ordinance No. 7 in random eclecticism rather compiles the theories most convenient for the prosecution from among all the principles, - not only are lacking in a legal foundation, because here a military commission is being misused for highly political reprisal trials. As the military commission is defined, it is to preserve discipline, peace and order in the occupied country. For this reason it is an auxiliary organ of the military commander, not a part of the American system of justice, belonging more to the executive than to the judicial.

May trials like the one in question be conducted by a military commission? Must not trials of such political significance be invested with all thinkable guarantees of law? It is an old principle of genuine international justice that questions of procedure must be taken especially seriously. It is still a matter of a closing of various systems of justice in one trial and thereby the questions of procedure gain an importance they do not have in the national sphere. Thus here too there is a combination of first the Anglo-American system of evidence, and then the free interpretation of evidence as practiced on the continent, and results arise from this such as are totally unfamiliar to any civilized law. For either one proceeds as formally as is prescribed by Anglo-Saxon law in the presentation of documentary evidence, but then the Anglo-Saxon rules for the evaluation of evidence are required, which are formulated in an entirely different manner from those of continental law. Or, one dispenses with hearsay rule, right of confrontation, prohibition of confession under duress, but in that case one must also be less formal, as in the manner of continental law, in admission of evidence (questioning the witness, documents). The present *mixtum compertum* signifies a degradation of procedural questions which cannot do justice to the importance of the actual and legal questions to be decided.

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and therefore is intolerable. Also the principles of oral and written presentation, direct and indirect - only consider that the commissioner carried on hearings at the same time as the main court - have been combined in an intolerable manner. The incongruence between the procedural methods and the task to be performed is so striking that a misuse of the power of decree of the military commander may be determined in the setting up of these courts.

It is not done so that the trial may last a year. That a skyscraper cannot be built in the same time as an arbor is obvious. If one wants to determine the true justification for a procedure, one must not only consider the machinery, the persons participating, attorneys, witnesses, not only weigh the length of the case in chief, but one must establish a relationship of these externals to the subject matter of the trial. Herein lies the discrepancy which again and again horrifies the defense. The defense counsel has the feeling that he is sitting in an express train past whose windows the important stations are irretrievably flying. In addition to this is the fact that the general superior weight of the prosecution as part of the military government in an occupied and fully defeated country makes the situation of the defense largely hopeless. The defense is all the more sensitive to all difficulties which could be avoided. The well-known Anzilotti pupil Vodevito particularly stressed the shortcomings of the procedure in "Diritto internazionale bellico", p. 288 in criticism of the procedure in the first Luernberg Trial. He writes:

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The formality and the complete respect for formality of the law, i.e. for the legality are the only guarantees of universal and eternal importance against possible arbitrariness of the individual and his political impulsiveness. When the starting-point in an international act which sets up a tribunal is that the court shall pronounce sentence with the aid of a "prompt trial", when it is recommended that this court limit the debate to an expeditious hearing of the issues (II, 18(c)) and that it shall hear and apply to the greatest possible extent expeditious and nontechnical procedure while eliminating every absolute rule, then he who has justice and the law in mind cannot avoid doubting the legality of the criminal case.

B.

It can also be pleaded in a habeas corpus trial that the Military Commission has not been set up in accordance with regulations. That too has happened here. To be sure, not insofar as the judges were not appointed with the consent of the Senate, for according to prevailing opinion, the military tribunals are mere auxiliary organs of the military government without the rank of legally established authorities. But as a military commission, they must be staffed at least with a member of the armed forces.

MR. THOMP says, to be sure, that the military commission depends on the will of the military governor for its personnel, but in the most extreme case set up by him, civilians are admitted to the military commission only in addition to the military persons. This also corresponds to the orders imparted by the prosecution (cf. the reply of the prosecution to the corresponding motion in the FLICK trial) concerning the make-up of the military commission, according to which civilians may indeed be allowed to take part as judges, but only in addition to military personnel.

Signed: Dr. Jur. Edward LAHL
Professor of Law

Special Counsel for all Defendants
Dr. Rudolf DIX

Die Verteidigung
des Falles VI

An das
Militärgericht VI
I.G.-Farben-Case

In Sachen Krauch u.a.

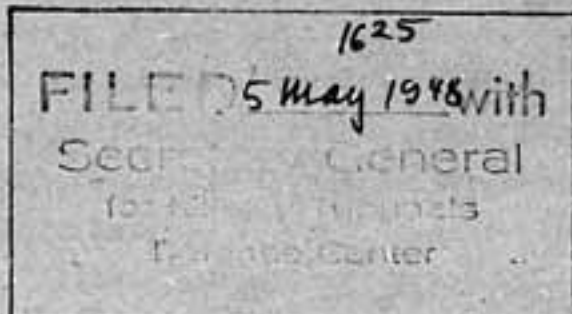
wird beantragt, das Verfahren einzustellen, weil

- A) die inkriminierten Handlungen aus Gründen sowohl des inneramerikanischen wie des internationalen Rechts nicht der Jurisdiction des Militärgerichts unterliegen,
- B) das Gericht nicht nach den Grundsätzen des amerikanischen Militärrechts besetzt ist.

Az

Der Standpunkt der Verteidigung geht dahin, dass es sich bei den Nürnberger Militärgerichten nicht um Gerichte des Kontrollrats, sondern um amerikanische Military Commissions mit einem Auftrag des Kontrollrats handelt, für die gewisse Grundsätze des amerikanischen Verfassungsrechts sowie die aus dem Völkerrecht abzuleitenden Rechtsgarantien massgebend sind.

Inbesondere ist für die Military Commissions bindend das Verbot der *ex post facto* law, das durch das Kontrollratsgesetz Nr. 10 verletzt wird. Ferner ist die Frage zu stellen, ob vom Standpunkt des amerikanischen Verfassungsrechts aus die Beauftragung einer Military Commission mit der Führung so qualifizierter und hochpolitischer Prozesse nicht einen Missbrauch der Vollmachten darstellt, die die militärische Exekutive bei der Führung eines Krieges hat. Die Frage gewinnt erst recht an Gewicht, wenn man die anerkannten Grundsätze des Völkerrechts für die Durchführung eines Strafverfahrens heransieht.



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Beide Fragen betreffen die Grenzen der Jurisdiction der Military Commission, über die sich das angerufene Gericht klar werden muss. Die darüber ergebende Entscheidung ist im Habeas-Corpus-Verfahren durch ordentliche amerikanische Gerichte nachprüfbar.

Daraus ergibt sich der Plan der folgenden Darstellung:

- I. das Military Tribunal VI ist eine amerikanische Military Commission mit einem Auftrag des Kontrollrats.
- II. Das Kontrollratsgesetz Nr. 10 ist unvereinbar mit der amerikanischen Verfassung und den anerkannten Grundsätzen des Völkerrechts, weil es sowohl gegen den Satz nulla poena sine lege wie gegen den Grundsatz verstößt, dass niemand in eigener Sache Richter sein kann.
- III. Die in der Ordinance Nr. 7 enthaltenen Verfahrensgarantien bleiben hinter den Mindestforderungen des internationalen Rechts zurück.

I.

Es handelt sich bei den Nürnberger Gerichten um military tribunals. Deutsche Militärgerichte kann es schon deshalb nicht mehr geben, weil auf Grund der Kapitulation und der Gesetzgebung des Kontrollrats es keine deutschen militärischen Institutionen mehr gibt. Es handelt sich vielmehr um Militärgerichte, die auf Grund der militärischen Besetzung Deutschlands durch die Alliierten eingerichtet worden sind, und zwar zur Vollzug einer Aufgabe, die typischer Weise jede Besatzungsmacht für sich in Anspruch nimmt: Kriegsverbrechen, die von Angehörigen des besetzten Landes begangen sind, der Bestrafung auszuführen. Zwar kann nicht geleugnet werden, dass Verstöße gegen die Haager Landkriegsordnung auch von dem Staat geahndet werden können, dem der betreffende Verletzer angehört. Ja, in den Haager Abkommen ist diese Art der Sanktion in erster Linie vorgesehen, indem die Vertragsstaaten sich zur Einführung entsprechenden internen Strafrechts verpflichten. Aber die in Nürnberg tätigen Militärgerichte sind deswegen keine deutschen Gerichte. Nach dem Kontrollratsgesetz können die deutschen Gerichte nur ausnahmsweise mit der Aburteilung der Kriegsverbrechen beauftragt werden, und zwar typischer Weise

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nur dann, wenn auch die Verletzten Deutsche oder Staatenlose sind, woraus sich ergibt, dass die normalerweise zuständigen Gerichte jedenfalls keine deutschen Gerichte sind. Man muss sich eben darüber klar sein, dass die Besatzungsmächte einerseits gleichsam als Treuhänder die Rechte der deutschen Reichsregierung ausüben, andererseits aber auch die Befugnisse der militärischen Besatzungsmacht wahrnehmen. Bei unbefangener Würdigung werden sie im Sinne der zweiten Alternative tätig, wenn sie vor eigenen Militärgerichten die Kriegsverbrecher im Sinne des Kontrollratsgesetzes Nr. 10 zur Verantwortung ziehen, die im Regelfall sich gegen die Besatzungsmächte oder ihre Verbündeten vergangen haben.

Man kann sich also höchstens die Frage stellen, ob die Nürnberger Militärgerichte Gerichte des Kontrollrates oder der amerikanischen Besatzungsmacht sind. Zweifellos haben sie einen Auftrag des Kontrollrates zu vollziehen, aber bei allen zusammengesetzten Territorien ist damit noch nicht gesagt, dass die von der Zentrale gestellten Aufgaben auch durch Organe der Zentralinstanz ausgeführt werden. Auch Organe der Einzelgebiete können für diese Aufgaben bestellt werden.

Das gilt z.B. auch im amerikanischen Bundesstaatsrecht. So hat der Supreme Court der Vereinigten Staaten im Falle *Collector v. Day* 11 Wall. 113 (1871) bemerkt, dass nur wenige Artikel der Verfassung der Vereinigten Staaten "could be carried into practical effect without the existence of the States", d.h. die Einzelstaaten stellen die Organe, die auch die Aufgaben des Bundesrechtes zu verwirklichen haben. Dies gilt besonders für die Gerichte. Mathews, *American State Government* 1925, Bd. 1 S. 15 führt aus: "The State courts are often called upon to interpret, apply, and enforce the constitution and laws of the United States, both judicially and administratively." Der Autor beruft sich auf die *Clafin* v. Houseman 93 U.S. 130: The laws of the United States are laws in the several States and just as much binding on the citizens and courts there of as the state laws are. In *Second Employer's Liability Case* wird noch klarer gesagt: "The fact that a state court derives its existence and functions from the states law" ist kein Grund dafür, warum nicht das

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Recht der Vereinigten Staaten von ihnen angewendet werden soll. Die Figur ist bei allen zusammengesetzten Staatssystemen mehr oder weniger dieselbe. Mit Ausnahme des Reichsgerichts waren bis 1935 alle deutschen Gerichte entweder preussische, bayerische, württembergische usw. Gerichte und dabei war die Masse des von ihnen anzuwendenden Rechts Reichsrecht, d.h. Recht, das das Deutsche Reich geschaffen hatte.

So ist die Lage auch hier. Der Kontrollrat beschloss, die deutschen Kriegsverbrecher zur Verantwortung zu ziehen, er hatte aber keine eigenen Organe, und so übernahmen es die Zonenbefehlshaber entsprechend ihrem angestammten Militärrecht, Gerichte im Rahmen ihrer militärischen Funktionen zu errichten, die diese Aufgabe durchzuführen hätten.

Ob eine Behörde, die in einem zusammengesetzten Staatengebilde tätig wird, Zentralbehörde oder Instanz des Einzelterritoriums ist, muss also im Einzelfall geprüft werden und ist nach den rechtlichen Merkmalen zu beurteilen, die bei der Konstituierung der betreffenden Organe hervortreten. Gerade nachdem in Nürnberg zuerst das internationale Militärgericht mit Richtern aller am Kontrollrat beteiligten Staaten getagt hat, zeigt die jetzige Lösung offenbar eine Verlagerung des Schwerpunktes zu den einzelnen Besatzungsmächten. Der Übergang der Jurisdiction für die Bestrafung von Kriegsverbrechen vom I.M.T. auf die Militärgerichte der vier Besatzungszonen steht im Einklang mit der allgemeinen politischen Entwicklung, welche auch in den gemeinsamen Angelegenheiten der Kontrollmächte in zunehmendem Masse zu ihrer Vernetzung geführt hat. Zahlreiche deutsche Rechtsgelahrte haben darauf hingewiesen, dass die Zonen Grenzen nicht mehr bloss Verwaltungsdistrikte, sondern mehr und mehr Souveränitätsbereiche von einander abstecken. Diesen Äusserungen ist umso grössere Bedeutung beizumessen, als die deutschen Juristen den von ihnen zutiefst bedauerten Zerfall der deutschen Einheit am wenigsten leichtfertig feststellen. Jedenfalls hat der Kontrollrat im Gesetz Nr. 10 nicht einmal allgemeine Richtlinien für die Errichtung, Besetzung und Verfahrensweise der neuen Gerichte zur Aburteilung von Kriegsverbrechen erlassen oder sich einen Einfluss auf die Abwicklung der Verfahren ge-

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sichert, sondern nach Art. II, 2 ist es Sache des Zonenbefehlshabers, für seine Zone das Gericht zu bestimmen sowie dabei anzuwendende Verfahrensordnung zu erlassen. Das ist dann auch in den vier Zonen geschehen und gerade die amerikanische Verfahrensordnung, die in der Ordinance Nr. 7 enthalten ist, sieht in Art. II c vor, dass der Zonenbefehlshaber nach seinem Ermessen das Ansuchen einer anderen Besatzungsmacht um Beteiligung an einem Verfahren seiner Zone ablehnen kann, weil der nationale Charakter der neugeschaffenen Militärgerichte der einzelnen Zonen unbedingt den Ausgangspunkt bildet.

Die Militärgerichte der amerikanischen Zone sind ausschliesslich mit amerikanischen Richtern besetzt. Vor ihnen wird die Anklage im Namen der USA durch den Hauptanklagevertreter für Kriegsverbrechen erhoben, der von dem Militärgouverneur gemäss Ziffer III des Erlasses Nr. 9 679 des Präsidenten der USA vom 16.1.46 ernannt ist. Im Falle einer Verurteilung zum Tode bedarf das Urteil des Gerichtes der Bestätigung durch den amerikanischen Militärgouverneur (Art. 26), diesem steht auch das Recht zu, von dem Gericht festgesetzte Strafen zu mildern (Begnadigungsrecht, Art. 15 und 17). Die Strafvollstreckung liegt entsprechend in den Händen von Angehörigen der amerikanischen Besatzungsarmee. Charakteristisch sind auch das Sternenbanner im Gerichtssaal sowie die Worte, mit denen der Gerichtsmarschall die Sitzung täglich eröffnet: "Gott schütze die Vereinigten Staaten von Amerika und dieses hohe Gericht!". Endlich ist darauf hinzuweisen, dass der amerikanische Kongress über die Finanzierung der Nürnberger Prozesse Verhandlungen geführt hat, sie also als amerikanische Veranstaltungen ansieht.

Es handelt sich also nach der Struktur dieser Gerichte um sogenannte Military Commissions im Sinne des amerikanischen Wehrrechts, etwa des Werkes von William Winthrop über "Military Law and Precedents", Washington 1920, S. 836 ff., wo besonders hervorgehoben wird, dass die Military Commissions durch besondere statutes näher geregelt werden können. Nur von dieser Auffassung aus lässt sich swanglos der Zustand und die Verfahrensweise der jetzt tätigen Nürnberger Militärgerichte erklären. Die Anklagebehörde nimmt zwar einen anderen Standpunkt ein: die Tatsache, dass alle Richter und alle Angeklagte Amerikaner sind, erkläre sich daraus,

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dass ein Staat sich damit einverstanden erklären könne, dass eine fremde Regierung vor seinen Gerichten die Anklage erhebe oder Richter ihrer Nationalität in sie abordine. Aber von einer solchen Staatspraxis ist nichts bekannt. Um ein Beispiel zu bilden, wenn etwa vor dem Krieg die Französische Regierung ein Interesse daran gehabt hätte, einen bestimmten Deutschen durch deutsche Gerichte bestrafen zu lassen, so würde die Deutsche Regierung niemals auf den Gedanken gekommen sein, ihr Einverständnis damit zu erklären, dass die Französische Regierung, also ein französischer Staatsanwalt, vor deutschen Gerichten die Anklage erhebt, sondern die deutsche Behörde hätte in ihrem eigenen Namen, um den Franzosen gefällig zu sein, die Anklage erhoben. Auf unseren Fall übertragen: Wenn die Amerikaner ein Interesse daran haben, dass vor einem Kontrollratsgericht bestimmte Deutsche verfolgt werden, wäre es allerdings nicht möglich, dass die Kontrollrats-Regierung ihre Anklagebehörde anwiese, im Interesse Amerikas die Anklage zu erheben, aber nur deshalb, weil es keine Anklagebehörde des Kontrollrates gibt, und damit kommen wir zum entscheidenden Punkt. Die Zonen-Befehlshaber stellen die verwaltungsmässigen Organisationen ihrer Besatzungsarmeen zur Verfügung für die Aufgaben des Kontrollrates. Dadurch werden diese aber nicht zu Organen des Kontrollrates, sondern sie bleiben, was sie sind, amerikanische, französische, englische, russische Gerichte. Aus den Angaben der Anklagebehörde in dem zitierten Schriftsatz geht weiter hervor, dass das Modell für den Kontrollrat die Military Commissions gewesen sind, die General Eisenhower durch Anordnung vom 25. August 1945 eingesetzt hatte. Man kann also wirklich, ohne den Dingen Zwang anzutun, nicht behaupten, dass die hier tagenden Militärgerichte keine amerikanischen seien. Herbert Kraus hat in seinem Vortrag "Gerichtstag in Nürnberg" die gleiche These vertreten. Die ordinance Nr. 7 hebt zudem vollkommen richtig an erster Stelle die Vollmachten des Militärgouverneurs hervor (Pursuant to the powers of the Military Governor) und erwähnt erst an zweiter Stelle den Auftrag des Kontrollrats.

Nach allem sind bei der Aburteilung von Kriegsverbrechen nach dem

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massgebenden Bestimmungen folgende Gerichte zu unterscheiden:

1. Das internationale Militärgericht (Fall Nr. 1).
2. Die Militärgerichte der einzelnen Besatzungszonen, die in Nürnberg die Fälle 2 ff bearbeiten.
3. Deutsche Gerichte, denen gemäß Art. III 1 B, Kontrollratsgesetz Nr. 10, die Strafverfolgung in gewissen Fällen von Kriegsverbrechern durch die Zonenbefehlshaber übertragen werden kann.

Ad. 1.

Das IMT basiert auf einem Vertrag der vier Besatzungsmächte und war von ihnen gemeinsam eingesetzt und besetzt. Das Begnadigungsrecht stand daher dem Kontrollrat zu. Das Begnadigungsrecht lässt erkennen, in wessen Namen Recht gesprochen wird: Es ist eine gesicherte Erkenntnis der Verfassungsgeschichte, dass das Begnadigungsrecht dem Träger der höchsten Gewalt zusteht, von dem auch die Jurisdiction des Gerichtes abgeleitet ist. Das anzuwendende Recht war internationales Recht, ergänzt durch die Vereinbarung der vier Besatzungsmächte. Rechtsgarantien einer nationalen Staatsverfassung waren für die Durchführung des Verfahrens nicht gegeben.

Ad. 2.

Die jetzt in Nürnberg tagenden Militärgerichte bezeichnen sich zum Teil selbst in ihren Urteilen und Beschlüssen als amerikanische Gerichte. So wird z.B. in dem Urteil gegen Generalfeldmarschall Milch (S. 15 der Deutschen Ausgabe) gesagt: "Man sollte niemals vergessen, dass hier ein amerikanisches Gericht Recht spricht". Die einschränkende Auslegung, die die prosecution diesem Ausspruch gibt, trifft höchstens in dem Sinne zu, dass die Militärgerichte natürlich nicht bloss amerikanisches Recht anzuwenden haben, wie dies das Juristengericht betreffend feststellt, sondern wegen ihrer internationalen Aufgabe in erster Linie Völkerrecht. Aber Gradeninstanz ist der amerikanische Militärgouverneur. Die Garantien der amerikanischen Verfassung finden in gewissen Grenzen Anwendung.

Ad. 3.

Wenn in den einzelnen Besatzungszonen die Militärbefehlshaber von

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der ihnen verliehenen Befugnis Gebrauch machen, Kriegsverbrechen vor deutsche Gerichte zu bringen, sind die Prozessnormen dem deutschen Prozessrecht zu entnehmen, das die verfassungsmässigen Garantien der jeweiligen deutschen und nicht der amerikanischen Verfassung gewährt.

II.

a)

Dass der Angriffskrieg in der Geschichte des Völkerrechts noch nie an den leitenden Staatsmännern, erst recht nicht an Kaufleuten und Industriellen, die an der Rüstung beteiligt waren, bestraft worden ist, ist unbestreitbar und unbestritten. Auch dass nirgends vor dem IMT-Verfahren in der Literatur die Strafbarkeit des Angriffskrieges als geltendes Völkerrecht behauptet worden ist, ist eine feststehende Tatsache.

Die in- und ausländische Kritik des I.M.T.-Urteils hat diesen Punkt mit aller Schärfe herausgearbeitet. Das I.M.T.-Urteil selbst hat nicht behauptet, dass abgesehen von dem nicht durchgeführten Fall des Kaisers, vor dem Kellogg-Pakt der Angriffskrieg ein strafbares Delikt gewesen sei. Zum Kellogg-Pakt aber hat Staatssekretär Stimson noch am 8. August 1932 in einer Rede vor dem Council on Foreign Relations in New York erklärt:

"Der Briand-Kellogg-Pakt sieht keine zwangsmässigen Sanktionen vor. Er fordert nicht, dass Jemand ein Signatar mit Zwangsmassnahmen vorgeht, falls der Pakt verletzt wird. Er beruht vielmehr auf der Sanktion der öffentlichen Meinung, die zu einer der mächtigsten Sanktionen der Welt gemacht werden kann."

Zum Fall des Kaisers weist Kelson mit Recht darauf hin, dass abgesehen vom Versailler-Vertrag die Strafbarkeit des deutschen Monarchen jeder Rechtsgrundlage entbehrt habe. Deshalb haben auch die U.S.A. in der 1919 eingerichteten Kommission die Unmöglichkeit einer rechtlichen Begründung der Anklage gegen den deutschen Kaiser geltend gemacht (vgl. J. Brown Scott; House Seelye, "What really happened at Paris", London 1921, S. 237, 239).

Entsprechend hat auch die "Niederländische" Regierung in ihrer das Auslieferungsverlangen der Alliierten zurückweisenden Note vom 21. Januar

1920 erklärt, dass sie keine rechtlichen Verpflichtungen anerkennen könne, sich einem Akte der hohen internationalen Politik der Mächte anzuschliessen:

"Wenn in der Zukunft durch den Völkerbund eine internationale Rechtsprechung geschaffen werden sollte, die befugt wäre, im Falle eines Krieges über Tatsachen Recht zu sprechen, die durch ein vorher ausgearbeitetes Statut zu Verbrechen gestempelt und als solche sanktioniert sind, dann werden die Niederlande sich der neuen Ordnung der Dinge anschliessen."

D.h., die niederländische Regierung sah in Artikel 227 des Versailler-Vertrages ein rückwirkendes Strafgesetz und daher keine rechtliche haltbare Grundlage für ein Auslieferungsverlangen.

Gerade von amerikanischer Seite ist deshalb ein Verstoß des I.M.T.-Urteils gegen das Verbot der ex-post facto-law wiederholt gerügt worden. Aus der Fülle kritischer Stellen seien nur die wichtigsten erwähnt:

Hans Kelsen, Professor an der Staatsuniversität in Kalifornien schreibt in "International Law Quarterly" im Sommer 1947 unter dem Titel "Will the Judgment in the Nürnberg Trial constitute a Precedent in International Law?"

"That the London agreement is only the expression, not the creation of the new law is the typical fiction of the problematic doctrine whose purpose is to veil the arbitrary character of the acts of a sovereign law-maker."

Prof. Max Radin schreibt in "Justice in Nürnberg", Foreign Affairs, April 1946, S. 369 ff.:

"Wenn vom Angriffskrieg als einen 'international crime' gesprochen wurde, so handelt es sich dabei um ein 'rhetorical term, but not a term with a definite legal content.'"

"I do not think that in the many discussions of the matter by Mr. Jackson and others the challenge has been met."

Vor allem aber ist in jener berühmten, unter dem Namen Karl R. Price veröffentlichten "Letter to the Editor" der "New York Times" vom 18.11.1945 ganz klar zum Ausdruck gekommen, dass das IMT-Verfahren

in seiner rechtlichen und politischen Bedeutung eine zweifelhafte Errungenschaft sei.

Es kann sich daher nur darum handeln, den mehrfach versuchten Nachweis zu widerlegen, dass trotz des offenen Bruches mit der völkerrechtlichen Tradition kein Verstoss gegen den Grundsatz nulla poena sine lege vorliege. Diese Versuche lassen sich in vier Gruppen gliedern:

1.

Die erste Gruppe, zu der das IRT-Urteil selbst einen Beitrag geliefert hat, will beweisen, dass der Angriffskrieg schon früher ein Delikt gewesen sei, weil der Krieg im gewöhnlichen Sprachgebrauch und auch bei feierlichen Proklamationen schon immer als Verbrechen bezeichnet worden sei. Es kann sich aber niemand der von zahlreichen Autoren eingehend begründeten Feststellung verschliessen, dass die Bezeichnung des Krieges als Verbrechen des eigentlich rechtlichen Gehaltes entbehrt hat.

S o k a l, der polnische Delegierte bei den Genfer Verhandlungen schreibt über die vom IRT-Urteil in bezug genommene Genfer Resolution von 1927 in seinem Kommissionsbericht:

"Tout en étant d'accord pour estimer que le projet de résolution ne constitue pas un instrument juridique proprement dit augmentant de façon concrète la sécurité et se suffisant à lui-même, la troisième Commission a été unanime à en apprécier la grande portée morale et éducative."

2.

Noch schwächer ist die Argumentation J a c k s o n s: Im Krieg werden Menschen getötet und Sachen zerstört, beides an sich Delikte, die nach der alten Auffassung dadurch ihren rechtswidrigen Charakter verlieren, dass sie im Kriegsgang geschehen. Handelt es sich aber um einen verbotenen Angriffskrieg, so folgerte Jackson weiter, dann müsse dieser Rechtfertigungsgrund entfallen und die Kriegshandlungen seien nicht, anderes als eine Reihe verbrecherischer Akte. Wenn das richtig wäre, wäre jeder deutscher Soldat ein Verbrecher, der wegen jeden Schusses, den er im Kriege abgefeuert hat, strafrechtlich zur Verantwortung zu ziehen wäre, und dann wäre auch jeder, der an der Rüstung teilnimmt, ein Gehilfe an diesem Ver-

brechen. Das DMT-Urteil hat diese Argumentation selbst mit Stillschweigen übergegangen, weil sie eine unmögliche völkerrechtliche Auffassung zum Ausdruck bringt.

3.

Dass bis zum DMT-Urteil eine Strafsanktion für den Angriffskrieg nicht bestanden hat, geben auch diejenigen zu, die das Urteil als Rechtsfortschritt begrüßen und es gerade für das Charakteristische der allmählichen Entwicklung des case law halten, dass unmerklich neue Rechtsgedanken in der Rechtsprechung sich durchsetzen, ohne dass man von einem Bruch mit der Vergangenheit sprechen könne. Diese Betrachtungsweise mag vom Standpunkt des Historikers allenfalls vertretbar sein, vom Standpunkt des Richters ist sie eine Ungeheuerlichkeit. Es ist zwar richtig, dass das case law im Laufe der Entwicklung durch allmähliche Preisgabe alter Rechtsvorstellungen oder allmähliche Einführung neuer Rechtsgedanken sich den jeweiligen sozialen und sittlichen Wandlungen angepasst hat, aber wenn irgend ein Schritt in der Rechtsentwicklung eine ganz klare Stellungnahme erfordert, ob der Richter sich hier an Ueberkommenes hält, wozu er verpflichtet ist, oder ob er neues Recht schafft, was grundsätzlich dem Gesetzgeber überlassen werden muss, dann ist es die Einführung der Todesstrafe für ein Verhalten, für das z.Zt. der fraglichen Handlung eine Strafsanktion nicht existierte. Hier mit der Parallele jener Fälle extensiver oder restriktiver Interpretation eines alten Rechtssatzes zu arbeiten, ist zum mindesten ein erstaunlicher Mangel an Augenmass, bei dem politische Erwägungen mehr als richterliche Objektivität die Feder führen. Was hätte das Verbot der ex-post-facto-law noch für einen Sinn, wenn es in so extremen Fällen mit solchen Erwägungen ausgeräumt werden könnte? Jedenfalls ist gerade in der amerikanischen Verfassung der Grundsatz nulla poena sine lege zuerst formuliert worden, obwohl die Masse des amerikanischen Rechtes case law ist.

4-

Professor W e e h a e l e r von der Columbia-Universität versucht der Schwierigkeit dadurch Herr zu werden, dass er die unbewiesene und un-

beweisbare Tatsache aufstellt, der Satz nulla poena sine lege sei eine Kulanz des innerstaatlichen Rechts und wesensmäßig dem Völkerstrafrecht fremd. Jedoch hat das IMT-Urteil selbst den Nachweis versucht, dass seine Entscheidung den Satz nulla poena sine lege nicht verletze. Auch die niederländische Regierung stand als sie die Auslieferung des Kaisers verweigerte - ohne damals irgend einen Widerspruch hervorsurufen - offenbar auf dem entgegengesetzten Standpunkt, und wenn das Völkerrecht aus den anerkannten Rechtsgrundsätzen der zivilisierten Nationen zu ergänzen ist, dann beweist die Proklamation des Kontrollrats Nr. 3, dass der Satz, der die rückwirkenden Strafgesetze ausschliesst, zu den grossen rechtsstaatlichen Errungenschaften gehört, deren alle zivilisierten Nationen sich rühmen. Dabei wandte sich diese Proklamation des Kontrollrats gegen eine verhältnismässig milde Durchbrechung des Satzes nulla poena sine lege. Die nationalsozialistische Strafgesetsnovelle hatte nur in beschränktem Umfang die Gesetzesanalogie zugelassen und das Reichsgericht hat festgestellt, dass die Anwendung der Analogie immer dann entfalle, wenn in der Gesetzgebung eine Handlung absichtlich straffrei gelassen war. Hier aber handelt es sich um eine Revolutionierung des bisherigen Völkerrechtssystems, um eine Preisgabe der Leitgedanken selbst, die mit keiner wie immer gearteten Analogie gerechtfertigt werden kann. Dass im Völkerrecht durch Gesetze, die in Wege des Staatsvertrages vereinbart werden können, für die Zukunft ein neuer Rechtszustand geschaffen werden kann, vermag auch Wechselner nicht zu leugnen, und gerade an einem solchen Rechtsfortschritt hatte die niederländische Regierung gedacht, als sie die Auslieferung des Kaisers mit Rücksicht auf das geltende Recht ablehnte.

War für den Angriffskrieg gilt, gilt auch für die übrigen Anklagepunkte: Die Verantwortlichkeit von Privatpersonen für Misstaten der politischen Organe des Staates stellt ein völliges Novum dar. Eine Bestrafung gegnerischer Kriegsverbrecher ist nach den Regeln des überkommenen Völkerrechts dann ausgeschlossen, wenn die Tat nicht aus eigenem Antrieb begangen wurde, sondern auf höheren Befehl, wenn sie daher völkerrechtlich nicht dem einzelnen Täter selbst, sondern der Staatsführung zuzurechnen ist.

In dem berühmten Standardwerk der englischen Völkerrechtswissenschaft, dem "International Law" von O p p e n h e i m (in der 4. von A. Mc Nair besorgten Auflage von 1926 Par. 253 heisst es:

"Violations of rules regarding warfare are war crimes only when committed without an order of the belligerent Government concerned. If members of the armed forces commit violations by order of their Government, they are not war criminals, and may not be punished by the enemy, the latter may, however resort to reprisals".

Wenn das Völkerrecht als Konsequenz des herrschenden Souveränitätsprinzips bisher den einzelnen Bürger von der Verantwortung frei liess, so spielen dabei auch praktische Erwägungen eine Rolle.

1. Wie soll regiert werden können, wenn jeder Staatsbürger sich zum Richter über die politischen Massnahmen seiner Regierung erhebt? Im Falle Mackintosh hat daher der Supreme Court der Vereinigten Staaten am 25.5. 1931 erkannt, dass dem Bürger nicht das Recht eingeräumt werden könne, wenn seiner Ansicht nach ein Krieg nicht gerechtfertigt sei, dem Staat moralische oder bewaffnete Hilfe zu verweigern. Der Bürger könne sich nicht das Recht vorbehalten, eine spezifische politische Entscheidung zu treffen.

2. Wer schützt den Bürger, wenn er zu den Gesetzen und Massnahmen des Landes, dem er mit seiner ganzen Existenz verhaftet ist, unter Berufung auf das Völkerrecht in Konflikt gerät?

Im Urteil des Nürnberger Juristenprozesses wird der entgegengesetzte Standpunkt vertreten. Die noch im IMT-Verfahren vor dem französischen Anklagevertreter de M e n t h o n in seiner Anklagerede vom 17. Januar 1946 ausgesprochene Beschränkung der Verantwortlichkeit "auf diejenigen, die unmittelbar für den Staat handeln", wird hier nicht mehr gemacht. Jetzt soll sogar jeder Untertan eines Staates den Tatbestand eines Völkerrechtsverbrechens erfüllen, wenn ihm nachgewiesen wird, dass er "wusste bzw. wissen musste, dass er in Angelegenheiten von völkerrechtlichen Belang sich der Teilnahme an einem staatlich organisierten Sy-

stem der Ungerechtigkeit und Verfolgung schuldig gemacht hat, welches das sittliche Gefühl der Menschheit verletzt, und dass er wusste bzw. wissen musste, dass er in Falle der Festnahme bestraft werden würde". (s.S.32a des Urteils).

Die klaren Formulierungen zeigen, dass hier ein Bruch mit der bisherigen Lehre des Völkerrechts vorliegt, was auf die Anerkennung eines ex-post-facto-law hinausläuft.

Natürlich soll mit dem Vorstehenden nicht gesagt werden, dass gemeine Delikte nicht strafbar seien, dann aber muss die Anklage auch solche behaupten und beweisen.

b)

Das Verbot des ex-post-facto-law ist von dem angerufenen Gericht sowohl nach amerikanischen Verfassungsrecht wie nach Völkerrecht zu beachten. Während man bei den verfahrensrechtlichen Garantien, die die amerikanische Verfassung vorsieht, etwa bei dem Recht des Angeklagten auf Konfrontation mit dem Zeugen, sich auf den Standpunkt stellen mag, dass diese Garantien für eine military commission nicht gelten, weil die military commission kein Teil des amerikanischen Gerichtssystems ist, für das die Grundsätze der Verfassung in erster Linie bestimmt sind, handelt es sich bei dem Verbot der ex-post-facto-law nicht um eine das Justizsystem betreffende Vorschrift, sondern um eine Schranke der Gesetzgebungsgewalt, die ihrem Sinne nach für alle diejenigen Stellen Geltung hat, die im Namen der Vereinigten Staaten Recht zu setzen vermögen. So ist anerkannt, dass das Verbot der ex-post-facto-law nicht nur für die legislativen Körperschaften der Vereinigten Staaten, sondern auch für die Träger der Verordnungsgewalt gilt. Rottschäfer schreibt in seinem Buch "On Constitutional Law S.768: They apply to every form of legislative actions whether it consists of a statute or municipal ordinance". Nun kann man freilich die Frage stellen, ob ein Hilfsorgan der Militärregierung, und die Military commissions sind als solche aufzufassen, befugt ist, die Gesetzgebungsgewalt der militärischen Befehlsstellen auf ihre verfassungsmässigen Grenzen zu überprüfen. Aber diese

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Befugnis muss man den military commission subilligen. Es ist nicht anzunehmen, dass die Verordnungsgewalt der militärischen Befehlsstellen über diejenigen Gesetzgebungsakte hinausgeht, die der Kongress selbst erlassen könnte. Würde man sich auf einen anderen Standpunkt stellen, wäre die military commission eine allzu bequeme Einbruchsstelle diktatorischer Willkür. Der Spielraum der Exekutive hat seine inneren Schranken: Die Vorstellung ist unvollziehbar, dass der Präsident nach der amerikanischen Verfassung Strafgesetze erlassen könnte, die das Parlament nicht zu beschliessen in der Lage wäre. Unter diesen Umständen ist auch das hohe Gericht nicht an die Meinung des IMT-Urteils gebunden, dass die Vorbereitung zum Angriffskrieg sowie die Teilnahme von Privatpersonen an völkerrechtlichen Verstössen ihrer Regierung schon immer strafbare Handlungen gewesen seien. Für amerikanische Besatzungsgerichte sind die Verfassungsgarantien jedenfalls insoweit massgebend, als sie einen non technical or remedial character haben. In den Military Government Court Letters vom 10. Januar 1948 wird entsprechend festgestellt:

There is no longer a need for the necessary disregard of some of the customary procedural safeguards of American law in law enforcement. It is therefore desired that Military Government Court proceedings in all essential points conform to the ^{of} traditional procedures of American law which apply whenever the life, liberty or property of an individual are subjected to penal procedure.

Für das IMT- als internationales Gericht war die Bindung an die anglo-amerikanische Rechtstradition nicht gegeben. Seine Entscheidung ist deshalb insoweit kein precedent, als die Fragestellungen nunmehr durch den amerikanischen Charakter des hohen Gerichts verändert sind.

Insoweit ist auch die ordinance 7, die die Bindung an das IMT-Urteil vorschreibt, für ein amerikanisches Gericht nicht verbindlich.

Das gleiche Ergebnis ist übrigens auch aus dem Völkerrecht abzuleiten. Besatzungsgerichte sind an die Schranken des Völkerrechts gebunden, und, wie schon erwähnt, ist das Verbot der ex-post-facto-law zugleich ein

völkerrechtlicher Grundsatz. W i n t h r o p schreibt über die Vollmachten der Militärregierung Seite 801:

" In such cases the laws of war take the place of the constitution and laws of the United States as applied in time of peace....."

" This language strong as it may seem asserts a rule of international law recognised as applicable during a state of war".

und S.773:

" By the term Law of War ist intended that Branch of International Law which prescribes the rights and obligations of belligerents...."

Demnach ist die military commission an das Völkerrecht gebunden und man darf keinesfalls annehmen, dass die Militärbefehlshaber eines besetzten Landes, der so ausserordentlich viele und wirksame Möglichkeiten hat, im Wege des unmittelbaren Verwaltungszwanges Ruhe und Ordnung in den besetzten Lande zu gewährleisten, sich über das im allgemeinen Völkerrecht enthaltene Verbot rückwirkender Strafgesetze hinwegsetzen kann. Der Völlige Zusammenbruch in Deutschland und die bedingungslose Kapitulation haben nicht die völlige Rechtlosigkeit der Deutschen hervorgebracht, im Gegenteil belasten diese Fakten, um den Ausdruck des Nürnberger Juristenurteils zu gebrauchen, die Alliierten "mit einer kategorischen menschlichen Pflicht weit grösserer Reichweite" als die Haager Landkriegsordnung in einem besetzten Land begründen würde (vgl. S.9 des Juristenurteils).

Was für die hier massgebenden Verordnungen gilt, gilt auch für das Londoner Agreement. Auch das amerikanische Recht steht auf dem Standpunkt, dass völkerrechtliche Verträge der Ratifikation durch den Kongress bedürfen. Daneben gibt es auch sogenannte Agreements, die der Präsident auf Grund seiner Exekutivgewalt ohne den Kongress beschliessen darf. Man kann aber nicht annehmen, dass diese Agreements des Executive Power einen Inhalt haben können, den der Kongress nicht selber beschliessen könnte. Es wird zwar gelehrt, dass die Nachprüfung der Frage, ob ein Abkommen der Ratifikation bedarf oder nicht, den Gerichten entzogen ist, aber gleichzeitig wird dargelegt, dass auch die Kraft eines ratifizierten Abkommens nicht grösser sein könne als die eines normalen Gesetzes. Das bedeutet

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aber, dass die Schranken der Legislative auch für internationale Abmachungen gelten, einerlei, ob sie vom Präsidenten allein oder mit Zustimmung des Kongresses beschlossen worden sind.

o.

Das Londoner Abkommen und das Kontrollratsgesetz Nr. 10 haben aber noch einen weiteren Mangel, der sich rechtlich auswirken muss, und der nach der Meinung eines englischen Kritikers vom IKT-Urteil, wegen der Verlegenheit, in die er das Gericht gebracht haben würde, auch in seiner faktischen Grundlage übergangen worden ist. Das Kontrollratsgesetz bedroht den Angriffskrieg, den Hitler im Jahre 1939 gegen Polen unternommen hat mit schwerer Strafe, obwohl feststeht, dass Russland, das ebenfalls zu den Signatarstaaten des Kellogg-Paktes gehört, als eine der Kontrollmächte, die die Verantwortung für das Kontrollratsgesetz tragen, an diesem Angriffskrieg ausweislich der vorgelegten Geheimverträge zwischen Molotow und Ribbentrop selbst teilgenommen hat. Es liegt also der Fall vor, dass eine Strafnorm erlassen oder miterlassen wird von einem Mittäter des inkriminierten Deliktes. Diese Strafnorm hat den Charakter eines Strafurteils, weil sie nicht wie das normale Strafgesetz für einen zukünftigen Akt die Strafe festsetzt, sondern für einen z. Zt. der Erlassung des Gesetzes abgeschlossenen Sachverhalt, der von einem beschränkten Täterkreis verwirklicht worden ist. Das Londoner Abkommen hat ja geradezu den Titel "Abkommen zur Verfolgung und Bestrafung der Hauptkriegsverbrecher der europäischen Achse". In der amerikanischen Rechtsprechung und Literatur über das Verbot des ex-post-facto-law ist der Unterschied zwischen dem normalen Strafgesetz für die Zukunft und der Strafnorm für ein abgeschlossenes Delikt klar herausgearbeitet. Es wird ausgeführt, dass das Verbot des ex-post-facto-law gerade den Sinn hat zu verhindern, dass die politische Leidenschaft eines Parlamentes, wie es in England vorgekommen war, neue Strafen für zurückliegende Handlung festsetze, da es allein Sache des Richters sei, auf vergangene Handlungen, die geltenden Strafgesetze anzuwenden. Gesetze, die rückwirkend Strafen für abgeschlossene Tatbestände festsetzen, hätten die Be-

deutung eines Strafurteils. In der grundlegenden Entscheidung *Calder v. Bull* aus dem Jahre 1798, die in der modernen Sammlung von Thayer "Cases on constitutional law" noch heute als *Leading Case* abgedruckt ist, heisst es:

"The prohibition against their making any ex-post-facto-law was introduced for greater caution, and very probably arose from the knowledge that the Parliament of Great Britain claimed and exercised a power to pass such laws, under the denomination of bills of attainder, or bills of pains and penalties, the first inflicting capital, and the other less punishment. These acts were legislative judgments and an exercise of judicial power".

Um ein solches Gesetz handelt es sich bei dem Kontrollratsgesetz Nr. 10. Bei diesem gesetzlichen Strafurteil hat nun ein Teilnehmer an der Handlung mitgewirkt, die der Bestrafung zugeführt wird. Solche Urteile kann aber ein Mittäter des Angeklagten nicht aussprechen. Er urteilt in eigener Sache, er ist *judex inhabilis*. Soweit Russland in Frage steht, handelt es sich um ein Gesetz, das von der gleichen Regierung erlassen worden ist, die an dem Angriffskrieg teilgenommen hat. So liegt also ein Akt der Strafrechtspflege vor, der zwar in der Form eines Gesetzes erscheint, materiell aber wie ein Urteil die Bestrafung bestimmter Täter für bestimmte Handlungen sichern und durchführen soll. Dieser Akt der Strafrechtspflege ist nichtig, weil ein *judex inhabilis* am Erlass des Gesetzes mitgewirkt hat.

Dass niemand in eigener Sache richten kann, ist ein allgemeines Prinzip des Rechtes aller Kulturstaaten und hat sich in der einen oder anderen Weise auch rechtlich überall durchgesetzt. Im Anschluss an das römische Recht ist die Lehre im deutschen Recht besonders ausgebaut, das seit Jahrhunderten den *judex inhabilis* vom *judex suspectus* trennt, und die Mitwirkung des ersteren zu einem Nichtigkeitsgrund auch dann macht, wenn die bei *judex suspectus* notwendige Ablehnung des Richters durch den Angeklagten bei Prozessbeginn unterblieben ist.

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III.

Angesichts dieser Rechtslage braucht nicht näher darauf eingegangen zu werden, ob die Nürnberger Prozesse, wie sie jetzt abrollen, ohne Garantien für ihre Besetzung, ohne in sich geschlossene Verfahrensordnung - die Ordinance Nr. 7 fasst vielmehr in sorglosem Eklektizismus aus allen Prinzipien die für die Anklage bequemsten Sätze zusammen - nicht schon deshalb der Rechtsgrundlage entbehren, weil hier eine military commission zu hoch politischen Vergeltungsprozessen missbraucht wird. Nach dem Sinne der military commission soll sie zur Aufrechterhaltung der Disziplin, der Ruhe und Ordnung in dem besetzten Lande tätig sein. Deshalb ist sie Hilfsorgan des militärischen Befehlshabers, kein Teil des amerikanischen Justizsystems, mehr der Executive zugehörig als der Justiz.

Können Prozesse wie der in Frage stehende durch eine military commission erledigt werden? Müssen Prozesse von solcher politischer Bedeutung nicht mit allen Rechtsgarantien umkleidet werden, die sich überhaupt denken lassen? Es ist ein alter Grundsatz der echten internationalen Justiz, dass die Verfahrensfragen besonders ernst genommen werden. Handelt es sich doch immer um ein Aufeinanderprallen verschiedener Justizsysteme in einem Verfahren, und dadurch gewinnen die Prozessfragen eine solche Bedeutung, wie sie sie im nationalen Bereich nicht haben. So ist auch hier bald das anglo-amerikanische Beweissystem, bald die freie Beweiswürdigung kontinentaler Prägung miteinander kombiniert und es entstehen dabei Gesamtergebnisse, wie sie in keinem Kulturrecht vertreten werden. Denn entweder ist man bei der Präsentation der Beweisdokumente so formell, wie es das angelsächsische Recht vorschreibt, dann bedarf es aber auch der angelsächsischen Regeln für die Auswertung des Beweismaterials, die in einem ganz anderen Sinne formalisiert sind als im kontinentalen Recht. Oder aber man versichtet auf Hearsayrule, Konfrontationsanspruch, Verbot erzwungener Selbstbesichtigung, dann muss man aber auch in der Art des kontinentalen Rechtes in der Zulassung von Beweismitteln (Fragen an die Zeugen, Dokumente und Urkunden) weniger formell sein. Das jetsige mixtum Compositum bedeutet eine Abwertung der prozessualen Fragen, das der Bedeutung der zu entscheidenden Tat- und Rechtsfragen nicht gerecht zu

werden vermag und daher untragbar ist. Auch die Prinzipien der Mündlichkeit und Schriftlichkeit, der Unmittelbarkeit und Mittelbarkeit - man denke nur daran, dass der Commissioner gleichzeitig mit dem Hauptgericht Vernehmungen durchführte - sind in untragbarer Weise miteinander kombiniert. Die Inkongruenz zwischen den prozessualen Mitteln und der zu bewältigenden Aufgabe ist so augenfällig, dass bei der Einrichtung dieser Gerichte eine missbräuchliche Ausübung der Verordnungsgewalt des Militärbefehlshabers festzustellen ist.

Es ist nicht damit getan, dass der Prozess ein Jahr dauert. Dass ein Hochhaus nicht in der gleichen Zeit gebaut werden kann wie eine Gartenlaube, liegt auf der Hand. Man muss, wenn man den wahren Gerechtigkeitsgehalt eines *Proceedere* feststellen will, nicht nur auf den kasseren Apparat, die beteiligten Personen, Rechtsanwälte, Zeugen abstellen, nicht bloss die Länge der Beweisaufnahme in die Waagschale werfen, sondern man muss dieses kassere Angebot in Beziehung setzen zu der Grösse des Prozessstoffes. Hier liegt die Diskrepanz, die die Verteidigung immer wieder mit Schrecken erfüllt. Der Verteidiger hat das Gefühl in einem Blitzzug zu sitzen, an dessen Fenstern die wichtigen Stationen unwiederbringlich vorbei jagen. Dazu kommt, dass das allgemeine Übergewicht der Anklagebehörde als Teil der Militärregierung in einem besetzten und völlig niedergebrochenem Land, die Lage der Verteidigung weithin zu einer aussichtslosen macht. Umso empfindlicher ist die Verteidigung gegenüber allen vermeidbaren Erschwernissen. Der bekannte Anzilotti-Schüler *V e d o v a - t o* hat in "*Diritto internazionale bellico*" S. 288 zur Kritik des Verfahrens im ersten Nürnberger Prozess die Mängel des Verfahrens besonders hervorgehoben. Er schreibt:

La formalità ed il pieno rispetto della formalità della legge, cioè della legalità, sono le uniche garanzie, universali ed eterne, contro gli arbitri particolari e le impulsività politiche contingenti: quando in un atto internazionale istitutivo d'una corte di giustizia si parte dalla premessa che il tribunale debba render giustizia attraverso un "*prompt trial*" (II, 1), si prescrive che esso sia tenuto a limitare il dibattito a un "*expeditious hearing of the issues*" (II, 18 (a)), e che "sciolto da qualsiasi regola assoluta", debba adottare ed applicare "*to the greatest possible extent expeditious and nontechnical procedure*" (II, 19), chi

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della giustizia e della legge è pensoso non può non dubitare della legittimità della repressione.

Die Förmlichkeit und der volle Respekt vor der Förmlichkeit des Gesetzes, d.h. vor der Legalität sind die einzigen Garantien von universaler und ewiger Bedeutung gegen etwaige Willkür des Einzelnen und seine politische Impulsivität. Wenn in einem internationalen Akt, der einen Gerichtshof einrichtet, davon ausgegangen wird, dass das Gericht mit Hilfe eines "prompt-trial" Recht sprechen soll, wenn vorgeschrieben wird, dass dieses Gericht gehalten ist, die Debatte zu beschränken auf ein expeditious hearing of the issues (II, 18 (a)) und dass es unter Beiseitelassung jedweder absoluten Regel annehmen und anwenden soll to the greatest possible extent expeditious and nontechnical procedure, dann kann derjenige, der an die Gerechtigkeit und das Gesetz denkt, nicht umhin, die Rechtsgültigkeit des Strafprozesses in Zweifel zu ziehen.

B.

Im Habeas-Corpus-Verfahren kann auch geltend gemacht werden, dass die Military Commission nicht ordnungsmässig errichtet sei. Auch das liegt hier vor. Zwar nicht insofern als die Richter nicht mit Zustimmung des Senats bestellt worden sind, denn die Militärgerichte sind nach der herrschenden Auffassung blosse Hilfsorgane der Militärregierung ohne den Rang gesetzlicher eingerichteter Behörden. Aber als Military Commission müssen sie mindestens mit einem Wehrmachtangehörigen besetzt sein. Winthrop sagt zwar, dass die military commission in ihrer Zusammensetzung vom Willen des Militärgouverneurs abhängt, aber in dem von ihm gebildeten /allersten Fall, sind in der Military Commission Zivilisten nur neben den Militärpersonen zugelassen. Das entspricht auch den von der Anklagebehörde mitgeteilten Verordnungen (vgl. die Antwort der prosecution auf die entsprechende Motion im Flickprozess) über die Zusammensetzung der Military Commission, nach denen zwar Zivilisten als Richter mitwirken können, aber nur neben Militärpersonen.

Dr. iur. E. Dahl
o. Professor für Rechte
special counsel for all defendants
- 21 - Dr. R. H. B. X.

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NATIONAL ARCHIVES MICROFILM PUBLICATIONS

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UNITED STATES MILITARY TRIBUNAL VI
SITTING IN THE PALACE OF JUSTICE, NUREMBERG, GERMANY
24 MAY 1948

THE UNITED STATES OF AMERICA

- vs. -

CARL KRAUCH, et al.,

Defendants.

Case No. 6

FILED ^{1500 28} 25 May 48 with
Secretary General
for Military Tribunals
Defense Center

On 12 May 1948, Dr. Rudolf Dix, on behalf of the Defendant Hermann Schmitz, filed a motion to strike from the Prosecution's Exhibit 334 (an affidavit of the Defendant Ter Meer) the affidavit of the said Schmitz contained therein. A brief review of the pertinent parts of the record is necessary.

On 5 May 1948, Dr. Rudolf Dix, counsel for the Defendant Schmitz, filed a motion in which it was stated that in May, 1948, Major Tilley, acting for the United States Government, conducted an interrogation of said Schmitz during the course of which he "called the defendant's attention to the fact that he would incur twenty years imprisonment if he should not say the truth, or not testify at all." (our emphasis).

Said motion further recited that on 11 September 1948, one Lawrence Linville conducted a further interrogation of the Defendant Schmitz in the course of which the following occurred:

"Q: I call your attention to Ordinance No. 1, Article No. 2, Section No. 33, as issued by the Military Government. (Handing a copy of the Ordinance to the witness, who reads the indicated section).

"A: Yes. I have read it."

On 10 May 1948, the Prosecution stipulated on the record (transcript page 14085) as follows:

"For the purpose of this proceeding, we will stipulate on the basis of Dr. Dix' statement, that such an interrogation did take place as indicated in his motion."

PROSECUTION NOTIFIED

- 1 -

DEFENSE NOTIFIED

25 May 48 - S.J.

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The following also appears on page 14084 of the transcript:

"The President: Do we understand, Mr. Prosecutor, that you are willing to stipulate for the purposes of the matter under controversy that the interrogation, the questions and answers that were contained in the showing made by Dr. Dix, are correctly reported to the court in Dr. Dix' statement?"

"Mr. Sprecher: That is correct, Mr. President."

Military Government Ordinance No. 1, referred to above, was promulgated 16 August 1945, and provided as follows:

"The following offenses are punishable by such penalty other than death as a Military Government Court may impose:

* * * * *

33.) Knowingly making any false statement, orally or in writing, to any member of, or person acting under the authority of, the Allied Forces in a matter of official concern, or in any manner defrauding, or refusing to give information required by, Military Government." (Our emphasis).

At the time the above described incidents occurred the Defendant Schmitz was under detention by the American Military authorities, having been arrested on 7 April 1945.

The question to be decided is, therefore, whether the purported statement of the Defendant Schmitz contained in the Prosecution's Exhibit 334 can be regarded as his voluntary statement against interest.

The ruling announced for the Tribunal by Judge Morris on 11 May 1945 (transcript pages 14249 and 14250) had reference to the admissibility of affidavits made by defendants who did not take the witness stand, generally, and was not directed to the subject of any alleged duress or coercion under which such affidavits were obtained.

There is no more fundamental concept of enlightened jurisprudence than that one charged with crime may not be compelled by force, fear, threats or intimidations to give evidence against himself. Indeed, most modern judicial systems recognize that a defendant in a criminal case may refuse to testify in his own behalf without the risk creating any inference or presumption of his guilt. This Tribunal is not disposed to ignore these basic human rights.

It would be difficult, if not impossible, to conceive of a more effective means of coercing one into giving evidence against himself than to advise him that he would be subject to life imprisonment for failure to do so, especially when the implied threat is accompanied by the showing of an official directive providing for such liability.



- 3 -

We conclude, therefore, that the statement of the Defendant Schultz, bearing date of 17 September 1948, appearing in the affidavit of the Defendant Furber, Prosecution's Exhibit 234, is inadmissible as the voluntary statement of the Defendant Schultz. The said statement of the Defendant Schultz will not be considered as evidence of the facts purported to be set forth therein and remains in the record only insofar as it may be necessary for a proper understanding of the statements of the Defendant Furber as set forth in his affidavit, Prosecution's Exhibit 234.

David E. Glavin
Special Agent



James M. Morris
1948

_____ 1948

Dated this 24th day of May 1948

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MILITARY TRIBUNALS

Nurnberg, Germany

UNITED STATES OF AMERICA

Against

KRAUCH and Others (Case VI)

FILED 13 May 1948
Secretary General
for Military Tribunals
Defense Center

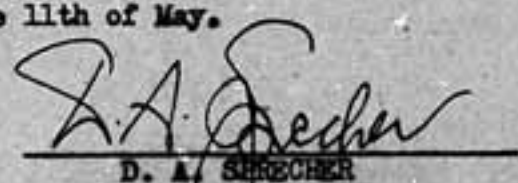
ANSWER TO ANOTHER MOTION CONCERNING THE STATEMENT OF THE DEFENDANT
SCHMITZ CONTAINED IN PROSECUTION EXHIBIT 334

TO: The Secretary General, Military Tribunals (Room 281).

1. Answer is made to a motion by Dr. R. Dix, counsel for the defendant SCHMITZ, dated 12 May 1948, again moving that the Tribunal strike the SCHMITZ statement from the affidavit of the defendant TER MEER, Prosecution Exhibit 334.

2. Dr. Dix states quite correctly that ^{after} the time of one of his later motions on this matter, 5 May 1948, the Prosecution stipulated with respect to the wording of an interrogation of the defendant SCHMITZ in September 1945. But apparently Dr. Dix is laboring under some confusion with respect to the chronology of this stipulation and the Tribunal's ruling admitting all of Prosecution Exhibit 334 in evidence, and expressly including the SCHMITZ statement. On the morning of 10 May 1948, the Prosecution gave its stipulation at the request of Dr. Dix and Dr. Dix then stated that no further factual problem was outstanding on the matter. The next morning, 11 May 1948, Judge Morris announced the Tribunal's ruling on the matter. It is therefore difficult to understand what new element has been raised by this further motion by Dr. Dix, unless he is of the opinion that the Tribunal did not take cognizance of the stipulation of the 10th of May in its ruling of the 11th of May.

By:


D. A. SHERECHER
Chief, PAREN Trial Team

For:

TELFORD TAYLOR
Brig. Gen. USA
Chief of Counsel

Nurnberg: 13 May 1948
(Date)

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FILED 12 May 1948 with
Secretary General
for Military Tribunals
Defense Center

Dr. Rudolf Dix
Counsel in Case 6
(Dr. H. Schmits)

Nurnberg 12 May 1948

To

Military Tribunal VI
Case 6

N u r n b e r g

via: the Secretary General

Reference is made to my motion of 5 May 1948 and to the ruling of the Tribunal on Prosecution Exhibit No. 334 to which I referred in paragraph I of said motion.

It has meanwhile been stipulated between the Prosecution and me that the wording of the interrogation transcript of 11 September 1945 reproduced by me in the above motion is correct. I concur with the Tribunal that, due to this stipulation, the interrogation of the witness requested in the same motion is now without object.

I now once more request to strike the Schmits statement as it is contained in Prosecution Exhibit 334, and to reject it as evidence, also against the defendant Schmits himself, since it was not given voluntarily, but under the duress of Ordinance I of the US Military Government, dated 16 August 1945, as is shown by the transcript of 11 September 1945, in particular by my quotation from this transcript in my motion, dated 5 May 1948.

(s.) R. Dix

Dr. Rudolf Dix
Verteidiger im Fall 6
(Dr.H. Schmits)

Nuernberg, den 12.Mai 1948

An das Militaer-Tribunal VI
Fall 6

Nuernberg

Ueber: Generalsekretaer.

1515
FILED 12 May 1948 with
Secretary General
for Military Tribunals
Defense Center

Ich nehme Bezug auf meinen Antrag vom 5.Mai 1948 und den in seinem Absatz 1 in Bezug genommenen Beschluss des Gerichts ueber das Anklagebeweisstueck Nr. 334.

Zwischen der Anklagebehoerde und mir ist inzwischen stipuliert, dass der von mir in diesem Antrag wiedergegebene Wortlaut des Vernehmungsprotokolls vom 11.September 1945 richtig ist. Ich stimme mit dem Gericht darin ueberein, dass durch diese Stipulation die Vernehmung der in dem gleichen Antrag beantragten Zeugen gegenstandslos geworden ist.

Ich beantrage nunmehr nochmals, das Statement Schmits, wie es in dem Anklagebeweisstueck 334 wiedergegeben ist, zu streichen und es als Beweis, auch gegen den Angeklagten Schmits selbst, zurueckzuweisen, weil es nicht freiwillig, sondern unter dem Druck der Verordnung Nr. 1 der Amerikanischen Militaerregierung vom 16.August 1945 erstattet ist, wie sich aus dem Protokoll vom 11.September 1945, insbesondere meinem Zitat aus diesem Protokoll im Antrag vom 5.Mai 1948 ergibt.



(Dr. Rudolf Dix)

MILITARY TRIBUNALS

Nurnberg, Germany

UNITED STATES OF AMERICA

Against

KRAUCH and Others (Case VI)

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0945
FILED 7 May 1948 with
Secretary General
for Military Tribunals
Defense Center

ANSWER TO MOTION OF DR. DIX REQUESTING WITNESSES TO TESTIFY
CONCERNING STATEMENT OF DEFENDANT SCHMITZ

TO: The Secretary General, Military Tribunals, Room 281

1. Answer is made to the motion of Dr. Dix, dated 5 May 1948, relating to the decision of the Tribunal concerning Pr.Exh. 334. Dr. Dix requests that he be permitted to call Lt. Col. Tilley, Lawrence Linville, and Weissbrodt, as witnesses to testify concerning a statement by the defendant SCHMITZ, incorporated in Exhibit 334.

2. The motion of Dr. Dix is based upon a total misconception of the nature of the ruling made by the Tribunal, through Judge Morris, on 4 May 1948. The Tribunal stated in part as follows:

"This Tribunal has ruled heretofore that a relevant statement of a defendant may be admitted in evidence against that defendant as an admission against interest whether the defendant takes the stand or not unless the statement was made under such duress as to make it appear that it is not a voluntary statement of the defendant.

In this instance we have re-examined the record regarding the statement of the defendant Schmitz and find that it is a voluntary statement. The defendant, however, contends that because of the order referred to the statement must be deemed to have been made involuntarily since under the terms of the order the defendant was required to answer questions put to him.

There is no showing that Order No. 1 was called to the attention of the defendant Schmitz or that he knew of it or had it in mind when he made the statement in question. He does not contend in his showing, in showing support of the motion, that he knew of the order or that it influenced him in making the statement. In fact, the circumstances disclosed by the record point to the contrary and it appears that the statement was made on the part of the defendant Schmitz of his own volition and without duress." (underscoring supplied).

3. The record which is in evidence concerning the statement of the defendant SCHMITZ incorporated in Pr.Exh. 334, is so clear that the additional facts as alleged by Dr. Dix, even if established, would not serve to detract in any way from the finding by the Tribunal that the statement of the defendant Schmitz was made "of his own volition and without duress". The defendant Ter Meer in describing the circumstances surrounding this statement states that:

"In the early part of 1946, after Dr. George von Schnitzler and Dr. Max Ilgner were also transferred to Gransberg Camp one of us was informed by Mr. Lawrence Linville, an American investigator, that we were free to talk over our defense concerning any possible trial

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against the leaders of I. G. Farben. Almost every morning for some time discussions were held among the I. G. Farben leaders in Cransberg concerning the I. G. and the allied and American policy with respect to I. G. and its leaders. On 12 March 1946 Dr. Hermann Schmitz disclosed that he had subscribed to a statement by the American authorities on 17 September 1945 concerning the activities of I.G. Farben during the Nazi regime, and he produced what he described as an exact copy of this memorandum.

* * * *

"This statement caused great concern among the entire group of I. G. Farben leaders since it was believed that the statement contained errors and wrong conclusions. Since Dr. Schmitz is not a technical expert and since most of the matters concerned in this statement involved technical matters, we decided to work out a complete statement in which we gave the right interpretation of the matter.

* * * *

"Dr. Schmitz was at the time we handed my statement to FIAT not willing to agree to it because, not being a technical expert, he was uncertain whether my statement was a complete and true explanation of the facts involved." (Pr.-Exh. 334; underscoring supplied).

Thus, we see that from the defendant Ter Meer's own statement, the alleged errors in the statement of the defendant Schmitz were at the time blamed on the fact that he was "not a technical expert" and not on any alleged duress. In fact, it will be noted that even after (according to the defendant Ter Meer) Lawrence Linville had made clear to the defendants in Cransberg that they were "free to talk over their defense concerning any possible trial against leaders of I. G. Farben", the defendant Schmitz was still unwilling to agree to the revised statement by the defendant Ter Meer until he had examined certain Farben records.

4. The defendant von Schnitzler has also discussed the circumstances surrounding the statement by the defendant Schmitz in Pr.-Exh. 1812. The defendant von Schnitzler states as follows:

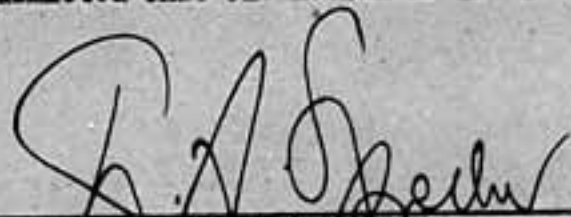
*** Of course, one word or another might have been said from which one could deduce that I had testified that I. G. had been largely engaged in the rearmament program. This created the first clash. Shortly afterward, in February 1947, Schmitz explained to Gajewski voluntarily that under the influence of von Schnitzler, he had underwritten the last oath -- the statement which he apparently considered as wrong or detrimental for I. G. Then later on he became conscious of the contents of that statement. He did not show the statement but gave the details to Gajewski. On 11 March 1946, in a conversation between Ter Meer, Schnitzler and

Ilgner, (Max Ilgner had then been freed from seclusion) it was discussed that in the course of interrogations the question had arisen whether I. G. had worked out so-called "Mob Plans" in the chemical domain. It was stated that such reports were entirely unfounded and could be easily contradicted. Because I. G. — that means the competent men Ambros, Wurster, ter Meer and Struss — not even had known that at the beginning of the war, the closure of the plants in Ludwigshafen and Oppau had been planned. This order, on the contrary, had been given out only on the day of the English declaration of war. Knieriem told that to Schmitz on the same day and pointed out that this fact which had been unknown to him up until now, means a striking proof for the fact that I. G. has not worked on any "Mob Plans" or "Mob-Planning" in the chemical domain. Schmitz answered, "And what says Schnitzler to that?" Schmitz added that this news was not in accord with the statement of September 1945 which he had given under the influence of Schnitzler and which he, at the time, also had spoken about to von Knieriem. At the same time, Schmitz gave Knieriem a copy of the statement of September 1945. (Underscoring supplied).

In this connection, the Prosecution will be glad to stipulate that if Dr. Dix desires to call the defendant von Schnitzler to the stand solely for the purpose of testifying concerning the circumstances surrounding the statement of the defendant Schmitz, the Prosecution (1) will be willing to have the defendant von Schnitzler take the stand in a collateral proceeding for that purpose only; and (2) will not cross-examine him for any other purpose.

5. Wherefore, it is respectively submitted that the motion of Dr. Dix be denied in its entirety.

By:


D. A. SPEECHER
Chief, Farben Trial Team

Nurnberg: 6 May 1948
(Date)

For:

TELFORD TAYLOR
Brig. Gen. USA
Chief of Counsel

Dr. Rudolf Dix
Defense Counsel in Case 6
(Dr. H. Schmitz)

Nürnberg 5 May 1948

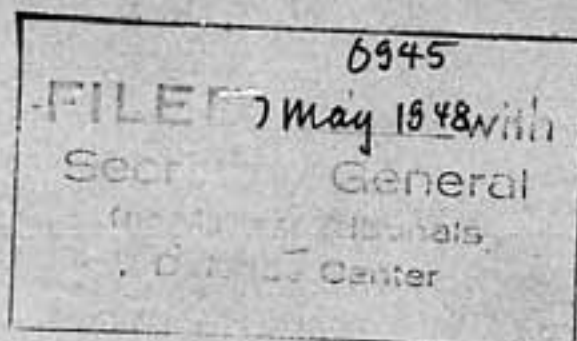
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-To

Military Tribunal VI
Cases 6
Nürnberg

via : Secretary General



The ruling of the Tribunal concerning Document NI-5187, Prosecution Exhibit No. 334 of 4 May 1948 is based, according to the substantiation given, upon the assumption that the defendant Schmitz did not give the testimony in question under the duress of Ordinance No. I of the US Military Government, dated 16 August 1945. In support of the fact that this actually was the case, i.e. that Schmitz was under the duress of this ordinance when giving his testimony, I state that as early as May 1945 Major Tilley, who was promoted to Lieutenant-Colonel in the meantime, called the defendant's attention to the fact that he would incur 20 years imprisonment if he should not say the truth, or not testify at all.

Interrogator Lawrence Linville explicitly directed defendant Schmitz' attention to Ordinance No. I, Art. 2, namely at the beginning of his interrogation on Tuesday, 11 September 1945, i.e. a few days before the statement in question was secured. The original report will probably be in the custody of the Legal Department Griesheim, I.G. Control Office. I possess a copy starting with the following words :

"Corrected and supplemented	Frankfurt
Record of the Interrogation	2:30 to 3:30 PM
of Hermann Schmitz	11 September 1945 Tuesday

Q. I call your attention to Ordinance No. 1, Article No. 2, Section No. 33 as issued by the Military Government. (Handing a copy of the Ordinance to the witness, who reads the indicated section).

A. Yes. I have read it."

Evidence : The original report as document and Lawrence Linville as witness. The latter is allegedly employed with the Ministry of Finances in Washington.

I may point out that the statement which is under the Tribunal's consideration appears to be a copy; however, it is not the correct copy, but a copy of a draft of 17 September 1945 only. The copy carried also no signature. Evidence : Interrogator Mr. Weissbrodt as witness. The signed statement is dated 18 September 1945. This is not at all in the hands of the Tribunal and is not in possession of the Defense, nor of the defendant Schmitz since he was given no copy at that time.

I ask permission to call Lieutenant-Colonel Tilley, Lawrence Linville and Mr. Weissbrodt as witnesses and request the Prosecution be directed to assist me in locating the addresses of these witnesses and in calling them in due time. I further request the original of the interrogation transcript of 11 September 1945 (Interrogator Lawrence Linville) be submitted.

(s.) Dr. Rudolf Dix

Dr. Rudolf Dix
Verteidiger im Fall 6
(Dr. H. Schmitz)

Nuernberg, den 5. Mai 1948

An das Militaer-Tribunal VI
Fall 6
Nuernberg

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FILED 19 May 1948 with
Secretary General
for Military Tribunals
Defense Center

Ueber: Generalsekretaer.

Der Beschluss des Gerichts betreffend Dokument NI-5187, Anklagebeweisstueck Nr. 334 vom 4. Mai 1948 basiert laut der ihm gegebenen Begrueundung auf der Annahme, dass der Angeklagte Schmitz die in Frage stehende Aussage nicht unter dem Druck der Verordnung Nr. 1 der Amerikanischen Militaerregierung vom 16. August 1945 gemacht hat. Da-fuer, dass dies doch der Fall war - also Schmitz unter dem Druck dieser Verordnung bei seiner Aussage stand -, trage ich vor, dass der jetzige Oberstleutnant, damals Major Tilley schon im Mai 1945 den Angeklagten darauf hingewiesen hat, dass es ihm 20 Jahre Gefaengnis kosten wuerde, wenn er nicht, oder nicht die Wahrheit aussagen wuerde.

Der Interrogator Lawrence Linville hat den Angeklagten Schmitz ausdruuecklich auf die Verordnung Nr. 1, Art II aufmerksam gemacht, und zwar zu Beginn seiner Vernehmung am Dienstag, den 11. September 1945, also wenige Tage vor dem Zustandekommen des hier in Rede stehenden State-ments. Der Originalbericht wird wohl bei dem Legal-Department Griesheim, I.G. Control-Office liegen. Ich habe eine Kopie, welche mit folgenden Worten beginnt:

"Corrected and supplemented
Record of the Interrogation
of Hermann Schmitz

Frankfurt
2:30 to 3:30 PM
11 September 1945 Tuesday

Q. I call your attention to Ordinance No. 1, Article No. 2, Section No. 33 as issued by the Military Government.
(Handing a copy of the Ordinance to the witness, who reads the indicated section).

A. Yes. I have read it."

Beweis: Der Originalbericht als Urkunde und Lawrence Linville als Zeuge. Dieser soll beim Finanzministerium in Washington arbeiten.

Ich darf darauf hinweisen, dass das dem Gericht vorliegende Statement als Kopie erscheint, aber nicht die richtige Kopie ist, sondern nur die Kopie eines Entwurfes vom 17. September 1945. Die Kopie hatte auch keine Unterschrift.

Beweis: Interrogator Mr. Weissbrodt als Zeuge.
Das unterschriebene Statement datiert vom 18. September 1945. Dieses liegt dem Gericht ueberhaupt nicht vor und befindet

- 2 -

sich nicht im Besitz der Verteidigung oder des Angeklagten Schmitz, da ihm seinerzeit keine Kopie ueberlassen wurde.

Ich beantrage, die Herren Oberstleutnant Tilley, Lawrence Linville und Mr. Weissbrodt als Zeugen rufen zu duerfen und bitte, der Prosecution aufzugeben, mir bei der Ermittlung der Adressen dieser Zeugen und ihrer rechtzeitigen Ladung zu helfen, sowie das Original des Vernehmungsprotokolls vom 11. September 1945 (Interrogator Lawrence Linville) vorzulegen.



(Dr. Rudolf Dix)

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UNITED STATES MILITARY TRIBUNAL VI
SITTING IN THE PALACE OF JUSTICE, NUREMBERG, GERMANY
24 MAY 1948

THE UNITED STATES OF AMERICA :

- vs - :

CARL KRAUCH, et al., :

Defendants :

20 1700
FILED 25 May 48 with
Case No. 6
Secretary General
for Military Tribunals
Defense Center

DISSENT

The undersigned, Paul M. Hebert, Judge of Tribunal VI, and Clarence F. Merrell, Alternate Judge of Tribunal VI, cannot agree with the finding of the Tribunal by a majority of its members that the statement of Defendant Schmits, dated 17 September 1945, made a part of the affidavit of Defendant ter Meer being Prosecution Exhibit No. 334, was obtained under duress, and we therefore disagree with the order striking from the exhibit such statement.

On 22 May 1948, there was filed by R. Dix, Counsel for Defendant Schmits, a motion to strike the Schmits statement from the ter Meer affidavit, and on 4 May 1948, after giving the matter careful consideration, the Tribunal overruled said motion. At that time Judge Morris, during a statement made on the record on behalf of the Tribunal, said,

"He" (referring to Defendant Schmits) "does not contend in his showing, in support of the motion, that he knew of the order or that it influenced him in making the statement. In fact, the circumstances disclosed by the record point to the contrary and it appears that the statement was made on the part of the Defendant Schmits of his own volition and without duress."

On 7 May 1948, a motion was filed on behalf of Defendant Schmits in which the following was set out:

"Corrected and Supplemented Record of the Interrogation of Hermann Schmits	Frankfurt 2:30 to 3:30 PM 11 September 1945 Tuesday
--	---

Q. I call your attention to Ordinance No. 1, Article No. 2, Section No. 33, as issued by the Military Government. (Handing a copy of the Ordinance to the witness, who reads the indicated section.)

A. Yes. I have read it."

The record of the proceedings on 10 May 1948 in open court shows that the following occurred:

"MR. DIX: ... the Tribunal will remember my application for my client in reference to Ordinance No. 1 of the American Military Government, which was brought up during his interrogation. In my last application I included the copy of a record of interrogation of Schmits at which, according to the text of this copy, his attention was called to this ordinance and he was asked whether he read it. He

said 'yes.' I asked the prosecution for the purpose of a stipulation to check whether this copy of mine agreed with the original. * * *

"I would be grateful to Mr. Sprecher if, before the end of the proceedings, he could make a statement as to whether he can check this text of this record and stipulate with me.

"MR. SPRECHER: * * * We have been unable in this short period of time to check this interrogation of which Dr. Dix says he has a copy. For the purposes of this proceeding we will stipulate on the basis of Dr. Dix's statement, that such an interrogation did take place as indicated in his motion.

"THE PRESIDENT: I believe, Dr. Dix, that you said to the Tribunal that if the prosecution would accept your statement as having been made that that would obviate the calling of witnesses on your part to substantiate your facts. Is that true? In other words, it will now raise a question of law for the Tribunal to pass upon rather than one of fact to be first determined.

"DR. DIX: That is my opinion, Mr. President. I don't want to be misunderstood. It is my opinion that if the quoted text of this record is stipulated it will not be necessary to call witnesses. I am not sure that I think a legal question will remain to be decided by the Tribunal.

"THE PRESIDENT: You are correct in that regard.

"Now, counsel--and I am addressing this inquiry primarily to counsel for the prosecution--in other words, do we understand, Mr. Prosecutor, that you are willing to stipulate for the purposes of the matter under controversy that the interrogation, the questions and answers that were contained in the showing made by Dr. Dix are correctly reported to the court in Dr. Dix's statement?

"MR. SPRECHER: That is correct, Mr. President.

"THE PRESIDENT: Very well. That puts that matter at rest for the time being. By that I mean to say that, in view of the prosecution's stipulation which the Tribunal now accepts and the position stated by Dr. Dix, the Tribunal sees no necessity of hearing any further evidence on that issue."

On 5 May 1948, there was filed on behalf of all defendants a motion to strike all affidavits of Defendants Schnitz, von Schnitzler and Lautenschlaeger, who did not testify on the witness stand, including Prosecution Exhibit No. 334 dated 22 April 1947 insofar as it reproduces the statement of Defendant Schnitz of 17 September 1945.

The court, by a majority, ruled upon that motion on 11 May 1948. During the course of that ruling, Judge Morris, speaking on behalf of a majority of the Tribunal, said:



"The motion also includes an affidavit of Dr. ter Meer, Document XI 5187, being Prosecution's Exhibit 334, dated 22 April 1947, in which Dr. ter Meer sets forth a quotation from a statement given to him by Dr. Schmits, which the affiant ter Meer discusses at considerable length in his affidavit.

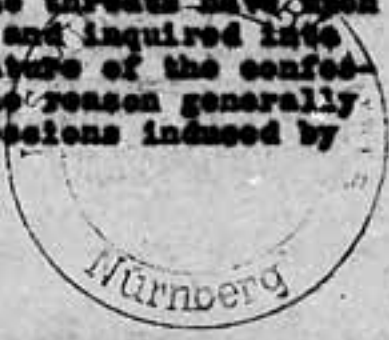
"It is the opinion of the Tribunal, and it therefore rules, that the entire affidavit of Dr. ter Meer, who did go on the witness stand, is admissible in evidence and will be considered with respect to all defendants, and that the statement of Dr. Schmits will not be stricken therefrom as requested by the motion."

Thereafter, to wit, 12 May 1948, there was filed by R. Max, Counsel for Defendant Schmits, a renewal of his request to strike the Schmits statement from Prosecution Exhibit No. 334, being the ter Meer affidavit. It is that request that the Tribunal, by majority, has granted and with which the undersigned for the record express their disagreement.

The only change in the record since the Tribunal's prior ruling on a similar request is the fact stipulated on the record on 7 May 1948 that the attention of Schmits was called to Ordinance No. 1 of the Military Government at the outset of his interrogation on 11 September 1945, and asked whether he had read it and Schmits said, "Yes. I have read it."

Asking him whether he had read the Ordinance does not necessarily constitute duress as the phraseology of the Ordinance also includes the obligation to speak the truth where the statement is voluntarily made. For there to be duress, some showing of a connection between a threat and a statement must be made and it must appear that the statement was the result of compulsion. As a leading American authority states:

"Confessions obtained by threats are, generally speaking, inadmissible in evidence as being involuntary. But it is not every threat that will render a confession made subsequently thereto involuntary. There must be some connection between the threat and the confession, showing that the mind of the accused was overcome by the threat, and the confession was a product of such compulsion and intimidation. It is not sufficient, either, to say that if the confessor makes his confession because of fear, it is inadmissible, for a secret fear existing in the mind of the confessor not directly induced by the persons to whom the confession is made will not affect the voluntary nature of the statement. In other words, a confession should not be rejected merely because it was made under great excitement or mental distress, or fear, where such state of mind was not produced by extraneous pressure exerted for the purpose of forcing a confession, but springs from apprehension due to the situation in which the accused finds himself. And when the confession is made at some interval after certain threats have been made, the influence that the threats have upon the confession must be observed and inquired into as bearing upon the voluntary nature of the confession at the time it is made. The reason generally given for the exclusion of confessions induced by



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threats and menaces is not that there has been an illegal extortion of the statement, but rather because the party making the statement is deemed to have been thus influenced to make an untrue confession. But what threats or acts will induce the fear that will vitiate and render involuntary the confession depends upon the circumstances of the concrete case before the court." (Wharton's Criminal Evidence, Vol. II, Sec. 615).

The statement attributed to Major Tilley is not established by any evidence in the record and, even if established, is too remote in point of time to have influenced the statements made by Schmits four months later in September of 1945. Therefore, the only additional element here present and not specifically covered by the ruling of the Tribunal of 4 May 1948 is knowledge of the Defendant Schmits of the Ordinance. There is no showing whatsoever that this knowledge influenced him in making the statement. The record as to the circumstances surrounding the giving of the statement otherwise remains exactly the same. We submit that the ruling of the Tribunal of 4 May 1948 was correct, and that now as then, the circumstances disclosed by the record point to the contrary to the contention advanced by and on behalf of Defendant Schmits that his statement was made under duress. It clearly appears from all the circumstances that the statement was made on the part of the Defendant Schmits without duress.

The circumstances referred to are set out fully in ter Meer's affidavit (Prosecution Exhibit No. 354). Those circumstances include the following:

1. Schmits submitted a written statement, dated 26 August 1946, which is embodied in the ter Meer affidavit, undertaking formally to withdraw his first statement--not because of duress or undue influence, but because of some inaccuracies in the first statement. This circumstance has particular significance inasmuch as it appears from the ter Meer affidavit that Schmits "cooperated with Dr. Gierlichs" (assistant counsel for Defendant Schmits in this case) "when working out his statement of 26 August 1946." The record clearly shows that the concern of Defendant Schmits and his counsel Gierlichs was correcting what they regarded as errors in the first statement rather than effect of any duress or undue influence with respect to the giving of the first statement.

2. It further appears from the Schmits statement of 26 August 1946, prepared with the assistance of his lawyer Gierlichs, that the Schmits statement of 17 September 1945 was based on several interrogatories of Schmits over a period of several days, and that it was signed only after making corrections; that the errors not corrected were discovered only after conferences with several of the other officials of Farben at Gransberg in 1946; that the errors were due to "absence of files" and "incorrect impressions which had been communicated to me" (Schmits) "by von Schnitzler"; that the "unclear parts of the statement" (of 17 September 1945) "were also caused partly, as comparison with the original dictation of Weissbrodt shows, by the crossing out of sentences and parts of sentences which I" (Schmits) "could not accept or by alterations through which the original sense was disjoined or became a source of misunderstanding." Furthermore, it affirmatively appears by Schmits's own statement incorporated in the subsequent statement of 26 August 1946 that he signed the statement of 17 September 1945 "in order to avoid the impression that I" (Schmits) "might not be willing to cooperate in the clarification of the business of I. G. Farben." This clearly indicates that his purpose in giving the

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statement was to create the impression that he was willing to co-operate with the Military authorities who were investigating Farben's affairs and all of the above circumstances show that no element of compulsion or duress was present.

3. It appears from the ter Meer affidavit (Prosecution Exhibit 334) that for a long period of time at Gransberg in 1945, many officials of Farben, including Schmits, von Schnitzler, Gajewski, Buettelisch, Hoerlein, ter Meer, Ilgner and von Knieriem, had prolonged conferences as a result of which a full detailed comprehensive statement was prepared concerning Farben activities and affairs, which statement is embodied in the ter Meer affidavit; that Defendant Schmits was "not willing to agree to it because, not being a technical expert, he was uncertain whether my" (ter Meer) "statement was a complete and true explanation of the facts involved"; that later Defendant Schmits, after reviewing some minutes of the proceedings of the Vorstand and further conferences with his associate officials of Farben, became convinced that there were other mistakes in his statement of 17 September 1945 and thereupon prepared his subsequent statement of 26 August 1946 which also is embodied in full in the ter Meer affidavit.

4. Even after all these conferences and circumstances, including the help of his lawyer, at no place in the subsequent statement is there any mention of any compulsion or duress made by Schmits.

All those circumstances emphatically negative any inference of duress or compulsion felt by Defendant Schmits when he gave his statement of 17 September 1945. We submit that the ruling and finding of the Tribunal made 4 May 1948 is the correct statement of the effect of the record as it now stands in that, instead of showing that Schmits was influenced by duress, that the contrary appears and that such statement was made without duress.

In what has heretofore been said, we recognize and affirm the fundamental rights of defendants as referred to by the majority of the Tribunal in the order striking out the Schmits statement. However, it is our opinion that there is no basis in the record for the finding that Schmits was influenced by any element of duress in the giving of the statement of 17 September 1945.

The ruling of the Tribunal obviously is based upon the existence of Military Ordinance No. 1 to which Schmits's attention was called. An examination of the record of that Ordinance, of which this Tribunal, of course, can and should take judicial notice, discloses that it is a military ordinance enacted by the Military Governments of United Nations occupying all of Germany and not merely of American Military Government. Military Ordinance No. 1 is a comprehensive law concerning "Crimes and Offenses," enacted "in order to provide for the security of the Allied Forces and to establish public order throughout the territory occupied by them." Under conditions existing in Germany following its invasion and occupation by the Allied Forces of the United Nations, of which this Tribunal takes judicial notice, such a law was necessary and imperative.

Following the invasion, the Allied Forces were charged with a multitude of duties requiring extensive investigation of German industries with reference to their war potential and having a bearing on reparations. Those investigations included the investigation of I. G. Farbenindustrie Aktiengesellschaft. The report of December 1945 of the Hearings before a Subcommittee of the Committee on Military Affairs of the United States Senate, pursuant to Senate Resolution 107 (78th Congress) and Senate Resolution 146 (79th Congress) authorizing a study of war mobilization problems, explains in a brief manner the purpose and importance of that investigation. It says:

"A basic purpose of this investigation was to uncover as much information as possible concerning the nature and location of the far-flung and carefully concealed external assets of I. G. Farben. The investigation was, therefore, an important phase of the program adopted by the Allied Powers at Potsdam to strip Germany of all of her external assets in the interest of future world security and to use such assets for the relief and rehabilitation of countries devastated by Germany in her attempt at world conquest."

The report shows that among others who were engaged in that investigation were Abe Weissbrodt and Lawrence Linville, who conducted the interrogations of Defendant Schmits.

There is no showing that the interrogation of Schmits was for the purpose of instituting criminal proceedings against him or that those engaged in such interrogations have had anything to do with the preparation or prosecution of this case against the officials of I. G. Farben. Indeed, the contrary appears. The investigation, of which the interrogation of Schmits in 1945 was a part, was conducted under the direction of Colonel B. Bernstein, Director, Division of Investigation of Cartels and External Assets, Office of Military Government, for the purposes explained above.

The ruling of a majority of this Tribunal is an unwarranted reflection upon the manner which this investigation was conducted insofar as the interrogation of Defendant Schmits was concerned, and it is not, in our opinion, justified by the record.

It is the opinion of the undersigned that the ruling and order striking out the statement referred to is improper both under the law applicable to this case and the facts disclosed by the record, and that the Schmits statement of 17 September 1945 should be left in the evidence along with the subsequent statement of 26 August 1946, all as a part of the ter Meer affidavit (Prosecution Exhibit #354).

Paul M. Hebert
Judge, Military Tribunal VI

Clarence J. Menell
Alternate Judge
Military Tribunal VI

Dated this 24th day of May 1948

PROSECUTOR NOTIFIED
DEFENSE NOTIFIED
25 May 48 - 18



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UNITED STATES MILITARY TRIBUNAL VI
SITTING IN THE PALACE OF JUSTICE, NÜRNBERG, GERMANY
25 MAY 1948

THE UNITED STATES OF AMERICA

- vs. -

CARL KRAUCH, et al.,

Defendants.

Case No. 6

1200

FILED 25 May 48
Secretary General
for Military Tribunal
Defense Center

ORDER

In accordance with discussions with representatives of both Prosecution and Defense held in chambers on 24 May 1948, the following decisions by the Tribunal are announced and made a matter of record for guidance of counsel:

1. Counsel for the Defense shall proceed first with the delivery of their closing arguments on the date of 2 June 1948, and will proceed in accordance with the division of time agreed upon by counsel for Defense among themselves; Counsel for the Prosecution will follow and complete the Prosecution's argument in its entirety.

2. Neither the Prosecution nor the Defense shall have access to the written arguments of the other side prior to the beginning of presentation of each closing argument in open court; all agencies concerned with the translation and processing of these arguments are instructed that the material is confidential and is not under any circumstances to be divulged.

3. Each counsel for the Defense and the Prosecution shall furnish counsel for the opposite side with the written text of each closing statement at the time of the beginning of delivery thereof in open court.

4. Additional time of three (3) hours is hereby allotted to the Defense following the conclusion of the Prosecution's arguments, to permit the Defense to answer or rebut arguments advanced by the Prosecution in its closing statements. Defense counsel may agree among themselves concerning the manner in which this additional time for rebuttal argument is to be utilized by them. Such argument may be either extemporaneous or based upon previously prepared manuscript.

PROSECUTION NOTIFIED

DEFENSE NOTIFIED
25 May 48 2709



- 2 -

5. The individual pleas of each defendant (10 minutes each) will follow immediately after the conclusion of all of the arguments.



Levitt H. Chase
1943

Paul M. Hebert
1943

James M. Morris
1943

Dated this 25th day of May 1943

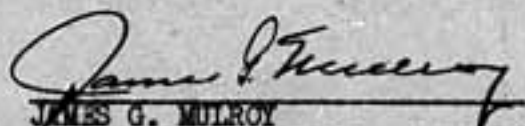
CERTIFICATE OF COMMISSIONER

I, JAMES G. MULROY, AGO #B-397399, hereby certify that I am a duly appointed, qualified and acting Commissioner, to take the testimony of witnesses under Order of Tribunal No. 6, in the case of United States of America vs Krauch et al; that pursuant to said Order, upon the dates hereinafter listed, I have supervised the taking of testimony of witnesses examined before me, and said testimony has heretofore been properly recorded, reported and filed in the Office of the Secretary General and now constitutes a part of the official transcript of proceedings in the above case; and the dates of such examinations, names of witnesses and pages of said official transcript are as follows:

<u>Date</u>	<u>Name of Witness</u>	<u>Official Transcript</u>
6 May, 1948	Ernst Hackemann	13739-13751
6 May, 1948	Gerhard Dietrich	13752-13771
6 May, 1948	Guenter Schiller	13772-13783
6 May, 1948	Herbert Ulitska	13784-13797
7 May, 1948	Gustav Murr	13894-13924
7 & 8 May, 1948	Rudolf Doemming	13925-13963
8 May, 1948	Max Faust	13965-14041
12 May, 1948	Karl Bayer	14458-14490
12 May, 1948	Fritz Schermuly	14492-14507

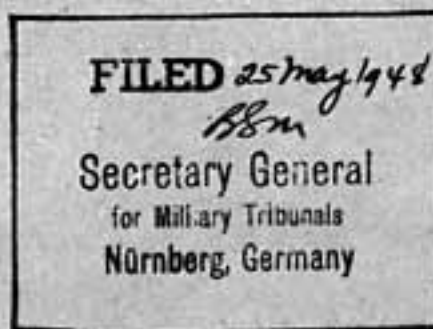
I further certify that the aforesaid transcript pages comprise a full, true and correct report of said proceedings, testimony and evidence heard and recorded at proceedings before said Commissioner.

Dated at Nurnberg, Germany, May 24, 1948


 JAMES G. MULROY
 Commissioner of Tribunal No. 6

Received:

1 Original, signed
 1 Mimeo, signed
 48 Mimeo copies



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UNITED STATES MILITARY TRIBUNAL VI
SITTING IN THE PALACE OF JUSTICE, NUREMBERG, GERMANY
11 MAY 1948

THE UNITED STATES OF AMERICA

- vs. -

CARL KRAUCH, et al.,

Defendants.

FILED

26 May 48

Case No. 6

General
Counsel
Center

ORDER

On consideration of the motion filed 5 May 1948, by Dr. Rudolf Dix, representing all of the defendants, and with respect to statements heretofore made by the Tribunal as to affidavits of defendants who have not taken the witness stand and therefore have not subjected themselves to examination and cross-examination, the motion proposes that these affidavits be stricken with respect to defendants other than the affiants.

The Tribunal rules with respect to such affidavits, being those of the defendants von Schnitzler and Lautenschlager, that the consideration of the affidavits of these affiants who have not taken the witness stand, is restricted to the affiants, and such affidavits are not considered as evidence against defendants other than the affiants themselves.

The motion also includes an affidavit of Dr. ter Meer, Document XI 5187, being Prosecution's Exhibit 534, dated 22 April 1947, in which Dr. ter Meer sets forth a quotation from a statement given to him by Dr. Schnitz, which the affiant ter Meer discusses at considerable length in his affidavit.

It is the opinion of the Tribunal, and it therefore rules, that the entire affidavit of Dr. ter Meer, who did go on the witness stand, is admissible in evidence and will be considered with respect to all defendants, and that the statement of Dr. Schnitz will not be stricken therefrom as requested by the motion. (The motion herein considered and this Order deal exclusively with the admissibility generally of affidavits made by defendants who did not take the witness stand and has no reference to the motion of the defendant Schnitz to exclude his statement of 17 September 1945 upon the ground that it was given under duress.)

PROSECUTION NOTIFIED

DEFENSE NOTIFIED
26 May 48 E J

Harold E. Graw
Presiding Judge

James Morris
Judge

2712

Dated this 11th day of May 1948

MILITARY TRIBUNALS

Nurnberg, Germany

UNITED STATES OF AMERICA

Against

KRAUCH and Others (Case VI)

449 ②
1005
FILED 10 May 1948
Secretary General
for Military Tribunals
Defense Center

ANSWER OF THE PROSECUTION TO A MOTION BY DR. DIX TO HAVE CERTAIN
AFFIDAVITS, ETC., STRICKEN INsofar AS THEY INCRIMINATE OTHER
DEFENDANTS.

TO: The Secretary General, Military Tribunals (Room 281)

1. Answer is made to the motion of Dr. Rudolf Dix, spokesman for all defense counsel, dated 5 May 1948, that the Tribunal strike all affidavits of the defendants SCHMITZ, von SCHNITZLER, and LAUTENSCHLAGER, from evidence "insofar as these affidavits seem to incriminate the defendants". We assume that there is either a mistake in translation or that Dr. Dix misspoke himself. Pursuant to the prior ruling of the Tribunal, we understand that the defense was given the opportunity to submit a motion to strike affidavits of defendants who did not take the witness stand insofar as these affidavits incriminate other defendants than the defendant-affiant who did not take the witness stand.

2. The Tribunal's attention is drawn to the fact that a number of statements in prosecution exhibit 334 (an affidavit of the defendant TER MEER who did take the witness stand) make reference to the statement of the defendant SCHMITZ made on 17 September 1945 which is included in TER MEER's affidavit, prosecution exhibit 334. If the SCHMITZ statement is stricken from this affidavit insofar as it tends to incriminate other defendants, we assume that it will still remain for reference in order to assist in explaining the content of the statements of the defendant TER MEER, et al, concerning this statement. The Tribunal will recall that the SCHMITZ statement is also mentioned in a number of other exhibits, for example in prosecution exhibit 1812.

By:


D.A. SPEECHER
Chief, FARBER TRIAL TEAM

Nurnberg 10 May 1948
Date

For:

TELFORD TAYLOR
Brig. Gen. USA
Chief of Counsel

2713

Reed - 11 May '48

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Justizrat Dr. Rudolf Dix

Nuremberg 5 May 1948

To the
Military Tribunal
in Case VI

1625
FILED *5 May 1948* with
Secretary General
for Military Tribunals
Defense Center

Referring to the ruling of the Tribunal, dated 27 January 1948, (German transcript, page 5885) I herewith request on behalf of all defense counsel in Case VI to strike all affidavits of the defendants

Exhibit

Dr. von Schultze and

Dr. Hans Buchner

which are listed in the enclosure, and which have been introduced in evidence by the Prosecution, insofar as these affidavits seem to incriminate the defendants. The above witnesses did not testify on the witness-stand.

R. Dix

/s./ R. Dix

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Affidavit Dr. ter Meer.

Doc.No. NI 5187 - Sub.No.334, dated 22 April 1947,
insofar as it reproduces the statement of the defendant
Schilling of 17 September 1945.

B 23 P.126

/s./ R. Rix

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Affidavits Dr. von Schnitzler.

Doc.No.	NI-5197	-	Exh.No.	18,	dated 27 March 1947,
" "	NI-439	-	" "	36,	" 16 November 1945,
" "	NI-5191	-	" "	39,	" 4 March 1947,
" "	NI-5196	-	" "	40,	" 18 March 1947,
" "	NI-5198	-	" "	251,	" 2 May 1947,
" "	NI-5199	-	" "	319,	" 31 March 1947,
" "	NI-2725	-	" "	580,	" 25 August 1946,
" "	NI-5195	-	" "	1056,	" 17 March 1947,
" "	NI-5194	-	" "	1083,	" 10 March 1947,
" "	NI-2712	-	" "	1208,	" 12 August 1945,
" "	NI-5193	-	" "	1299,	" 7 March 1947,
" "	NI-5190	-	" "	1324,	" 28 March 1947,
" "	NI-11591	-	" "	1812,	" 24 March 1947,
" "	NI-12547	-	" "	1813,	" 2/5 March 1947.

/s./ R. Dix

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Affidavits Dr. Lautenschlager

Doc. No. HI-6095 - Exh. No. 394, Book 15, page 148 foll. dated
2 April 1947,

" " HI-6425 - " " 1358, " 69, page 144 foll. dated
26 March 1947,

" " HI-6641 - " " 1359, " 69, page 152 foll. dated
17 April 1947,

" " HI-9811 - " " 1520, " 78, page 86 foll. dated
2 May 1947.

/s./ R. Dix

UNITED STATES MILITARY TRIBUNAL VI
SITTING IN THE PALACE OF JUSTICE, NUREMBERG, GERMANY
26 MAY 1948

THE UNITED STATES OF AMERICA

- vs. -

CARL KRAUCH, et al.,

Defendants.

Case No. 2

FILED 26 May 48
Secretary General
for Military Tribunals
at War Relocation Center

On petition of Dr. Karl Hoffmann, attorney for the Defendant OTTO AMEROS, dated 21 May 1948, it is made to appear that the first document in said defendant's Document Book 42 was given Document No. 425.

IT IS NOW ORDERED that the first document in said defendant's Document Book 42, is now assigned said defendant's Document No. 0A 425a.

Curtis G. Shaker

CURTIS G. SHAKER
Presiding

Dated this 26th day of May 1948

PROSECUTION NOTIFIED

DEFENSE NOTIFIED

26 May 48 29

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Karl Hoffmann
Attorney
Counsel for Dr. Otto Ambros

Nurnberg 21 May 1948

To the
Military Tribunal VI
Case VI
Palace of Justice, Nurnberg

The Secretary General drew my attention to the fact that Document OA No.425 in Document Book 4A has been given the Exhibit No.109.

The document represents a sun showing the different offices which had to be taken care of by the Auschwitz Plant.

Mistakenly I chose the same Doc. No.425 for the first document in Book 4B.

I ask the Tribunal to rule that I may give the second document the Document No. OA 425a.

(s) Karl Hoffmann
Attorney

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Karl Hoffmann
/Rechtsanwalt
Verteidiger fuer Dr.Otto Ambros

Nuernberg, 21.5.48

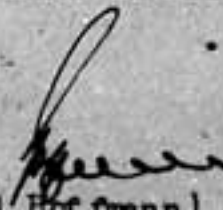
An den
Militaergerichtshof VI,
Fall VI
Justizpalast, Nuernberg

Durch den Herrn Generalsekretaer bin ich darauf aufmerksam gemacht worden, dass das Dokument OA-Nr.425 im Dokumentenband 4A die Exhibit Nr.109 erhalten hat.

Das Dokument ist die Zeichnung einer Sonne, die die verschiedenen Dienststellen zeigt, die das Werk Auschwitz zu betreuen hatte.

Versaemtlich habe ich fuer das erste Dokument im Band 4B ebenfalls die Dokumenten-Nr. 425 gewaehlt.

Ich bitte das Hohe Gericht, zu beschliessen, dass ich dem zweiten Dokument die Dokumenten-Nr.OA-425a geben kann.


(Karl Hoffmann)
Rechtsanwalt

UNITED STATES MILITARY TRIBUNAL VI
SITTING IN THE PALACE OF JUSTICE, NUREMBERG, GERMANY
26 MAY 1948

THE UNITED STATES OF AMERICA

- vs. -

CARL KRAUGH, et al.,

Defendants.

Case No. 6

FILED 26 May 48 ⁸⁸ with
Secretary General
for Military Tribunals
Defense Center

On petition of the Prosecution, dated 21 May 1948, it is made to appear that through error occurring on 16 May 1948, the Prosecution Document NY-15892 was assigned Prosecution's Exhibit Number 2290 for identification.

To correct said error the Prosecution Document No. NY 15892 is now assigned Prosecution's Exhibit No. 2270 for identification only.

Curvin E. Shaker

CURVIN E. SHAKER
Presiding

Dated this 26th day of May 1948

PROSECUTION NOTIFIED

DEFENSE NOTIFIED
26 May 48 - EJ

File
open
View

5/24

General

226

451
(2)

MILITARY TRIBUNALS

Nurnberg, Germany

1450

UNITED STATES OF AMERICA

Against

KRAUCH and Others (CASE VI)

FILED 21 May 1948 with
Secretary General
for Military Tribunals
Defense Center

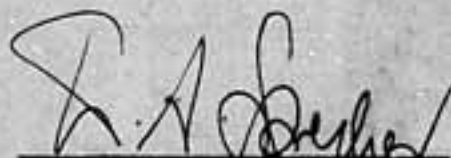
MOTION TO REASSIGN AN EXHIBIT NUMBER TO ONE DOCUMENT

TO: The Secretary General, Military Tribunals (Room 281).

1. Subsequent to our motion, this same subject, of 18 May 1948, defense counsel have properly indicated another error in assigning an exhibit number twice due to the absence of a Secretary General in one of the Commission hearings.

2. On 6 May 1948, PE 2350 was properly assigned to NI-14320 (Transcript 13744-5). However, on 10 May 1948, PE 2350 for identification only was incorrectly assigned to NI-15292, an affidavit of Max Winkler who was then being cross examined (Transcript 14176). The prosecution herewith moves that prosecution exhibit 2270 (for identification only) be assigned to Doc. No. NI-15292.

By:


D. A. SPEECHER
Chief, Farben Trial Team

For:

TELFORD TAYLOR
Brig. Gen. USA
Chief of Counsel

Nurnberg: 21 May 1948
(date)

240
Dr. Hans Pribilla
Counsel for defendant
Lautenschlaeger and Jaehne Case 6

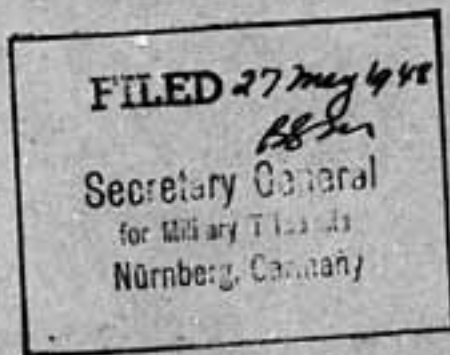
452
①
Nurnberg 26 May 1948

To

Defense Center

N u r n b e r g

Subject: Termination of an assistant.



This is to notify you that my assistant Dr. Oskar Krauss will quit on
Monday, 31 May 1948.

(s) Dr. Hans Pribilla
Attorney

2 copies
Dr. Hans P r i b i l l a
Verteidiger der Angeklagten
Lautenschläger und Jähne

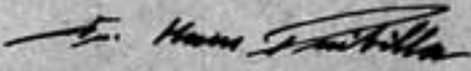
452 ✓
Nürnberg, 26th May 1948. (2)

An
Defense Center
Nürnberg

FILED 27 May 1948
HSM
Secretary General
for Military Tribunal
Nürnberg, Germany

Betrifft: Ausscheiden eines Assistenten.

Ich bitte davon Kenntnis zu nehmen, dass mein
Assistent, Dr. Oskar Krauss, am Montag, den 31. Mai 1948
ausscheidet.


Rechtsanwalt.

MILITARY TRIBUNALS
Nuremberg, Germany
UNITED STATES OF AMERICA
Against

1640
FILED 28 May 1948 With
Secretary General
for Military Tribunals
Defense Center

KRAUCH and Others (Case VI)

THIRD JOINT MOTION OF THE PROSECUTION
AND DEFENSE TO CORRECT THE ENGLISH TRANSCRIPT

453
①

The Prosecution and Defense herewith join in moving that the Tribunal order forthwith that the corrections indicated below be made in the official mimeographed copies of the English transcript:

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
10152	8698	11	Insert "might arise from" after "effects which".
10153	"	20	Change entire line 20 to read "of exclusion of documents put in later".
10154	"	21	Delete "to be translated".
10155	"	22	Insert "defense" before "evidence".
10156	8699	2	Change line 2 to read "April, and that the deadline for closing of the defense case is not only".
10157	"	3	Delete first word "be".
10158	"	16	Change "that the comparable" to read "that the time allowed in comparable"..
10159	"	17	Delete "and consideration be given to the time that they allowed."
10160	"	18	Change "to make that the" to read "used as a".
10161	"	21-22	Change from "chambers" in line 21 through line 22 to read "chambers before a new decision is made."

-1-

The above motion approved in open court 1 June 1948

Norman D. Vinson
Assistant Secretary General
Tribunal VI

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
10162	8489	22-23	Insert after line 22 and before line 23 "JUDGE SHAKS: I only wish to make some remarks and then give Judge Hebert an opportunity to deal with this matter, as he dispatched it for the Tribunal."
10163	8700	3	Insert "by providing that" after "arise".
10164	"	3-4	"submitting" should be "to submit". Place comma after "April 1st". Also place comma after "proving that".
10165	"	5	"would be done" should be "could be done".
10166	"	8	Change line 8 to read "in spite of all diligence could not be presented by April 1st. If somebody finds out that there".
10167	"	19	Insert "the" before first word "time". Also insert "in" after "granted".
10168	8702	22	Insert "in" before "briefs."
10169	8703	24	Change "Council; the questions touching upon Farben and the" to read "Council on behalf of I.G. Farben, while".
10170	8704	5	"Mr. Crossbick," should be "Mr. Cruspig,".
10171	8707	8	Change third word "Oil" to "Cel" and place comma after it.
10172	8709	1	Insert "during the war" after "Group". Place question mark after last word "distribution".
10173	"	2	Delete line 2.
10174	8710	7	Insert "touch" before last word "the".
10175	"	8	Change entire line 8 to read "field of Economic Group Motor Fuels industry."
10176	"	9	Delete "Industry."
10177	"	10	Insert "Q." before "Ex cuse me".
10178	"	14-16	Change from "myself" in line 14 through "they refused" in line 16 to read "myself with these questions, and therefore

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10178(cont'd)	8710	14-16	I can also say with respect to these documents, this concerned the producers of the coking—benzol and tar distillates, and they refused".
10179	8710	17	Change "raw materials" to "cost prices".
10180	"	22	"NI-6530," should be "NI-5630,".
10181	8712	13	"I never heard" should be "I ever heard".
10182	"	24	"that was was" should be "that war was".
10183	8713	22	"one is" should be "someone is".
10184	"	23	Add "that" after last word "at".
10185	8714	21	"there things" should be "those things".
10186	8715	16	Change "the basis of the affidavit", to read "in the form of an affidavit,".
10187	8715	23	Delete "which" before "might".
10188	"	24	Delete "they only mention". Insert "were mentioned only" before "conditionally,".
10189	"	25	Insert "in" after "reservation".
10190	8716	18,21, 26	"yound" should be "young".
10191	"	32	"that had nothing" should be "that has nothing".
10192	8717	2	Delete first word "that".
10193	"	17	"that we discussed" should be "which we had discussed".
10194	"	18	"by us" should be "from us"
10195	8718	14	Change period to comma after "contract". Next word "That" should be "which".
10196	"	16	"comprise" should be "compromise". Delete next words "this way".
10197	"	22	"Industry" should be "Industrial".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10198	8719	1	Insert "as a supplement to this exhibit" after "Mr. President,".
10199	8720	11	"latter affidavit" should be "last affidavit".
10200	"	20	Change "Yes, it really fits in here," to read "No, it really does not fit in here,"
10201	8721	6-7	"were intentionally concealed," should be "was intentionally withheld,"
10202	"	12	Insert "mineral oil field," after first word "the".
10203	8722	3	Change "one minute, I just say that" to read "I am sorry. May I say first that".
10204	8723	11	"as such licenses" should be "of such licenses".
10205	"	16	"40-50" should be "40-45".
10206	"	22	Insert "we," before "the entire group, that is,".
10207	"	23	Change line 23 to read "as well as England and Germany by themselves. I no longer recall the".
10208	"	27	"about the methane spit" should be "the methyl and methane split".
10209	8724	19	Change "Dr. BUETEFISCH:" to ". "DR. FLAEGHSNER:".
10210	8727	20	Change "is in execution" to "has been executed".
10211	8728	15	"these specific" should be "the specific".
10212	8729	12	Delete "and" after "plants".
10213	"	13	Delete "at the respective plants".
10214	"	20-21	Change "which were our aims for" to read "the aim of which was".
10215	"	25	"did lead" should be "leads".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10216	8729	28	"work do not" should be "work does not".
10217	"	29	First word "tried" should be "try". Last word "could" should be "can".
10218	"	30	"but I learned" should be "and I learn". Also "I proceed" should be "to proceed".
10219	8730	1	"how i under(stand)" should be "as I I under(stand)".
10220	"	6	Second word "lead" should be "lod".
10221	"	8	"responsibly in charge" should be "responsible".
10222	"	9	"at one time" should be "at any time".
10223	"	10	Change "in themselves of this change of" to read "with respect to this exchange of".
10224	"	13	"included into" should be "included in the".
10225	8731	29	"should play" should be "was to play".
10226	8732	1	Change "that is the chart which was sub- mitted — we see" to read "from the annexed chart which was submitted — we can see".
10227	"	7	Change "branch's obligations" to "inter- lacements".
10228	"	8-9	"collaboring" should be "collaborating".
10229	"	9	Change "this process" to "the oil- hydrogenation process".
10230	"	12,21	Insert "oil" after "mineral".
10231	"	20	Delete last word "only".
10232	"	21	Change comma to dash after "signed". Insert "oil" after "mineral".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10233	8733	26-27	Change "because of our aviation programs," to read "regarding aviation gasoline." Insert "not" after "naked".
10234	"	28	Delete "about" after "we had".
10235	"	30	"In any way," should be "In any case,".
10236	8734	5	Add "Standard and" after last word "with".
10237	"	21	"taks," should be "tasks,".
10238	"	25	First word "meant" should be "means".
10239	"	26	"ehyhleno" should be "ethylene". Insert "which is often mentioned in the documents" after "lubricating oil".
10240	8735	2	Insert "no" before "unfairness".
10241	"	23	Change "referring to 10463, which is the" to read "NI-10463, referring to the".
10242	8736	16	Change "percent or half a" to read "to one and a half".
10243	8737	24	"Document 10467" should be "Document NI-10467,".
10244	"	26	Change "and we should try everything to" to read "so that it was possible to".
10245	"	27	Change line 27 to read "the relation between Standard Oil and ourselves, and to further it,".
10246	8738	21-22	Change from "letter" in line 21 through "from the fixing" in line 22 to read "letter, respectively at a later meeting to be held in the spring of 1940 with Mr. Howard. From the fixing".
10247	8739	17	"in 1945" should be "in March/April 1940".
10248	"	18	"Mr. Esperi" should be "Mr. Asbury".
10249	"	24	"and demands" should be "and would demand".
10250	8740	6	Place quotation marks after "continued,".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10251	8740	7	Place quotation marks before "Dr. Buotefisch".
10252	"	16	"one case that told" should be "one case in which I told".
10253	8741	3	"NI-10451" should be "NI-10551".
10254	"	4	Change "about an article" to read "to an article by Mr. Haslam."
10255	"	5	Place period after "Times" and delete next words "by Mr. Hessler."
10256	"	9	"Mr. Hessler" should be "Mr. Haslam".
10257	"	21	Change "executions," to "events,".
10258	"	22	Change line 22 to read "responsible, who was looking at the matter from an economic viewpoint. But this".
10259	8742	29	Change "there is proof of the" to read "I quote: 'A proof for the'"
10260	"	31	Change period to comma after "Farben". Change "the contract on" to read "is the contract concluded in October 1938 on".
10261	"	32	Insert "concluded in August 1938" before first words "on the". Place period and quotation marks after "field". Delete next words "are good examples."
10262	8743	1	Delete "the" before "Farben".
10263	"	10	"not even from" should be "also not from".
10264	8746	7	"informally" should be "informally".
10265	"	24	Change "Exhibit" to "Document".
10266	8750	7	Third word "state," should be "stage,".
10267	"	28	"Hydrogroming" should be "Hydrogenation".
10268	8751	10	"Anglo-Indian" should be "Anglo-Iranian".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10269	8751	27-28	"I generally refrain from making any other quotations otherwise." should be "I have generally refrained from making any quotations."
10270	8752	4	"bacillitate" should be "facilitate".
10271	8756	4	First word "case" should be "care".
10272	8758	2,5	"forest workers" should be "forced workers".
10273	"	15	Change "came, when they stopped being voluntary" to read "came voluntarily".
10274	"	21	"to work with these things next to" should be "to be concerned with these things in addition to".
10275	8759	13	"X knew" should be "I know,".
10276	"	15	"requested by" should be "requested from".
10277	"	21	Insert "or new constructions" after "production".
10278	"	22	Insert before last words "As such"; and "planned war economy".
10279	"	23	Delete "leader" after "plant".
10280	"	24	"similar again" should be "exactly as follows:".
10281	"	25-27	Change lines 25, 26 & 27 to read "priority number either for construction or production. Then on the basis of this priority number the plant requested manpower from the Gma Labor Office in the same way as before. And now again one has to deal in the details."
10282	"	28	Delete "Now, of course." Begin paragraph with "The provincial".
10283	"	29	Change line 29 to read "as far as I heard and as I informed myself in general outlines -- this".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10284	8760	7	Change "workers available" to read "workers and material at your disposal".
10285	"	23	Place comma after "40 or 41" and delete next word "because".
10286	"	29	Change "the gentlemen always told me;" to read "the technical men often said to me;".
10287	"	30	Place comma and quotation marks after "difficulties". Change next words "when we operate" to read "for instance in the operation of". Place comma after "machine".
10288	"	31	Delete quotation marks after "against it."
10289	8761	1	"this government" should be "these govern-ment".
10290	"	12	Change period to comma after "No" and complete answer with "certainly not."
10291	8762	1	Delete second word "the".
10292	8763	6	"the number" should be "the page number".
10293	"	7	Add "too." After last word "correct".
10294	8764	12	Place comma and insert "etc.," after "in Leuna".
10295	"	17	Change line 17 to read: I said that "Later at the insti- gation of Dr. Schneider," etc.
10296	"	18	Place colon after "read". Delete next word "that" and place quotation marks before "At a later".
10297	"	20	Place quotation marks after "firearms."
10298	"	24	"if you have" should be "since you have".
10299	"	31	Delete "vinicity".
10300	8765	1	Change line 1 to read "plant itself but they were being employed by the Reichs- bahn or other".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10301	8765	6,7	"camp" should be "plant"
10302	"	8	Change "stockpiles on" to read "surface mines, shown there at".
10303	"	20	"abain" should be "again".
10304	"	22	Delete "that" and place quotation marks before "I assume".
10305	"	23	Place quotation marks after "camp."
10306	"	24	Place quotation marks before "towards".
10307	"	25	Place quotation marks after "available."
10308	"	26	Add "here" after last word "corrected".
10309	"	30	"I said where" should be "I said that".
10310	8767	21	Insert "a" before "Hydrogenation".
10311	"	21-22	Change "and a technical adviser I was also for the" to read "and also technical adviser for the".
10312	"	26	Change "the Government it is to say, the Armament" to read "that is to say, the authorities of the Armament".
10313	"	29	Delete "had" before "was selected".
10314	"	30	Change "Korneu," to "in Kronenburg,".
10315	8768	7	Last word "a" should be "the".
10316	8769	8	Place comma after "discussed". Delete comma and "that" after "problems".
10317	"	24	"side of" should be "site of".
10318	"	25	Delete comma after "decided on". Insert "then it was also decided," after "Buna,".
10319	"	27	Delete "—then it was decided".
10320	8770	19	Change "I was not along." to read "I did not participate."
10321	8774	1	Place quotation marks after "at large."

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10322	8774	15	"would not be evacuated but would stay" should be "not to be evacuated but to stay".
10323	8775	2	"sinol plant" should be "synol plant".
10324	"	4	"medium oil" should be "mineral oil".
10325	"	5	Change "wanted more" to "lack". Also change "change in" to "matter of".
10326	"	9	"Affidavit" should be "picture".
10327	"	12	Change period to comma after last word "that".
10328	8776	4	Change second word "states" to "substances".
10329	"	8	Change "increases" to "orders".
10330	8777	26	Delete last word "shades".
10331	8778	6	"one of the" should be "one or the".
10332	"	14	Insert "that" after first word "but".
10333	"	30-31	Delete "Gradually increased."
10334	8779	1	"was requested" should be "were requested".
10335	8780	1	"date lines" should be "deadlines".
10336	"	7	"that was" should be "that is".
10337	"	8	Place period after last word "ahead". Begin new sentence with "Sometimes," in line 9.
10338	8782	19	"and had a conference" should be "for a conference".
10339	8785	12	Change period to comma after "place" and complete sentence with "on a construction site."
10340	8789	1	Delete "other" before "inmates".
10341	"	19	Change line 19 to read "Q. In connection with the employment of workers, I am".

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Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
10342	8789	21	"Book 80." should be "Books 80 and 81."
10343	"	25	Insert "chemical" before "factories."
10344	8790	29	"Oberazisk," should be "Oberlazisk,"
10345	"	30	"only coal — only power," should be "only industrial coal —."
10346	8791	2	Insert "of Fuerstengrube" before first word "and". "Oberazisk?" should be "Oberlazisk?"
10347	"	5	Delete "only" before "make".
10348	"	6	Insert "only" after second word "needed,".
10349	"	26	Change "in a chemical order," to read "and the chemical tax outlay."
10350	"	32	"totally say that" should be "say again and again that".
10351	8793	17	"in that way" should be "as it was".
10352	8793	21	Add "a" after last word "had".
10353	"	24	"had asked" should be "had told".
10354	8794	3	"didn't mean" should be "wasn't meant".
10355	"	18	"Mr. Falkenhagen." should be "Mr. Falkenhahn."
10356	"	31-32	"to submit an affidavit to the witness," should be "to submit to the witness an affidavit".
10357	8795	11	Change period to comma after "talking". Continue sentence with "this".
10358	"	12-14	Delete entirely lines 12, 13 and 14, as repetition.
10359	8800	8	Delete "these were details." and complete sentence with "then many other details were changed."
10360	8801 & ff.	13, 18 & ff.	"Falkenhagen" should be "Falkenhahn".
10361	8802	4	Change "and the work" to read "and to do permanent work".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10362	8802	22	"authorities." should be "authority."
10363	8804	4	Insert "discussions or" after "special"
10364	"	6	Delete first word "about".
10365	"	13	Insert "output of coal, the" before "supply".
10366	"	20	Change "Falkenhagen told the gentlemen of Farben..." to read "Falkenhahn explained to the gentlemen of Farben his difficulties."
10367	"	21	Change "now their active" to "gained their active".
10368	8805	6-7	Change period to comma after "time". Also change rest of sentence to read "because they did not concern me."
10369	"	14	Delete "about that" before "occasionally". Also delete period and "It is possible" after same word.
10370	"	17	"really is" should be "really was".
10371	"	24	"Dueber" should be "Duellberg".
10372	8806	5	Change first word "individual" to "puro".
10373	"	32	Change "location in" to read "location of the Janina mines."
10374	8807	1	Change Line 1 to read "Both mines are marked on the map, so that one can recognize the location of Auschwitz as directly south of the Janina Mine. In between that,".
10375	8808	5	Change first word "a" to "includes".
10376	"	14	First word "Wuite" should be "Quite".
10377	"	31	Insert "with certainty" after first word "say".
10378	8809	1	Delete second word "only".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10379	8809	6	Change second word "really." to read "it was like this; at first".
10380	"	12	Add comma and "Count 4." after last word "Indictment".
10381	8810	7	"let this lodge much earlier" should be "left this lodge in 1931".
10382	"	9	"but that was not" should be "but this was only said to me and was not".
10383	"	19	Change "this matter" to read "me".
10384	"	22	"governmental ofces." should be "governmental offices."
10385	8811	7-8	Place question mark after "Club" and delete "and that became a member of the NSKK?"
10386	"	8-11	Delete lines 8 through " and replace with the following: A. Yes. Q. Then you became a member of the NSKK automatically? A. Yes, Members of the DDAC were transferred to the NSKK. At least so we were informed about it and in this way I also became a member. We were informed about this transfer at the same time by the management. The NSKK asked the directors to become members. The request was made by the Glyder Flying Group of Leuna and we decided to become members.
10387	"	16	Change "for any fees," to read "because of the lodge".
10388	"	17	Change "wanted their money." to read "came for the money."
10389	"	18-19	"I was asked about that" should be "when I was asked about it."
10390	"	20	Insert "of my memberships," after "list".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10391	8811	21	Insert "this with" after "connect". Place comma after "SS" and delete last two words "with that,".
10392	8812	8	Delete comma after "BraunkohleBenzin".
10393	"	28	Insert "we opposed it and that" after "say that".
10394	"	31	"which had" should be "who had".
10395	8813	1	Insert "even" after "Kranefuss".
10396	"	2	Change "in view of these various movements," to read "he was aware of the fact that in such movements,".
10397	8814	2	Change line 2 to read "in such an application all things which are prescribed".
10398	"	3	Delete first word "to,".
10399	"	4	"my position" should be "the position".
10400	"	11	Change "write" to "find".
10401	8815	1	Add "partially" after last word "which".
10402	"	9	Change "they strengthened its influence." to read "and an influence."
10403	8816	2	"Party ofces" should be "Party offices".
10404	"	5-6	Change from "task" in line 5 through "to oppose" in line 6 to read "task, and together with my colleagues I considered it my task to oppose".
10405	"	15	Change "exploit Kranefuss' acquaintance" to read "apply to Kranefuss".
10406	"	23	Insert "of the insistance" before "of the Gaulciter".
10407	8817	3	Change "I was able to see" to read "I appreciated greatly".
10408	"	4	Place period after "help" and delete next words "and I appreciated greatly."
10409	"	12-15	Change lines 12, 13, 14 & 15 to read "after all it is quite simple to say I

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10409(cont'd)	8817	12-15 (cont'd)	am helping without saying how. I thought it was important to get into contact with somebody who, one had to assume, had a certain influence in order to get something done for these people."
10410	8817	16	Delete "very" before "strange".
10411	"	17	Change "of these difficulties," to read "for your requests."
10412	"	18	Change "himself told me frequently that" to read "himself had a certain influence as he told me frequently and as"
10413	"	19	Delete "and that".
10414	"	30-31	Change "moderate line, in other words?" to read "moderate course?"
10415	8818	12	Delete "very much of",
10416	"	18	Change "and asked him" to read "and pointed out to him".
10417	"	20	Insert "at the time" after "He said to me".
10418	8819	23	Change "I haven't been in the Party long," to read "I am already in the Party."
10419	"	28	"for so-called honorary offices," should be "as so-called honorary officers."
10420	"	29	"my party" should be "my part",
10421	8820	7	Insert "it," after "to evade".
10422	"	21-22	Change "that's owing" to "due".
10423	"	23	Place comma after "right".
10424	8821	19	Insert "or" after "parades,".
10425	8822	25	Place period after "camps" and delete next words "after some date."
10426	"	29	"there were also sent camps," should be "they were also sent into camps,".

Item No	Transcript Page	Line (s)	PROPOSED CORRECTION
10427	8823	1-2	Change "who was not, and" to read "the others,".
10428	"	3	Place period after "something" and delete next word "positive."
10429	"	15	Change "was shown by me" to read "is what I can state out of my own".
10430	8824	25	"I saw" should be "I see from it".
10431	"	26	Change "sofar as to follow it up as to the" to read "to the point that it was followed up as far as my".
10432	"	31	Third word "that" should be "but".
10433	8825	8	Insert "morbid" before "excesses".
10434	8826	22	Insert "former" before last word "Economic".
10435	8827	1	"went with this group when invited" should be "when this group was invited".
10436	"	16	Change comma to period after last word "Rank".
10437	"	17	Delete "that Professor".
10438	"	29	Change period to colon after "before-hand".
10439	8828	1	"Thus one" should be "One".
10440	8829	4	"Bindl." should be "Bingl."
10441	"	6	"the Hopag;"
10442	"	7	Change "and those men one" to "whom". Insert "from" before last word "the".
10443	"	8	"some other" should be "many other".
10444	"	13-15	Change from "I saw" in line 13 through line 15 to read "I saw. I was probably the last man from economy invited there together with a Herr Blessing, former Director of the Reichsbank, who was for".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10445	8829	23	Insert "Here is an invitation." after "he said," with quotation marks before same words "Here is..."
10446	"	24	Place quotation marks after "you come".
10447	"	29	Change "But to Mr. Kranefuss such an" to read "This was generally what Kranefuss said since the".
10448	8830	1	Place period after first word "it". Begin new sentence with "Perhaps".
10449	"	3	Insert "the" before "former".
10450	"	5	"After the mean," should be "After the meal,".
10451	"	10-11	"as such in this group" should be "as a group,".
10452	"	14	"every one" should be "every industrial man".
10453	"	26	Place comma after "question" and delete next word "and".
10454	8831	27	"I have already" should be "I have also".
10455	"	28	Insert "also" before "believe".
10456	8832	27	First word "is" should be "was".
10457	8833	14	Change "these things with Himmler." to read "with Himmler anything he had said."
10458	8835	4	"1944," should be "1941,".
10459	"	8	Insert "to do something for the Christmas collection," after second word "want".
10460	"	13	Change "what. For example in" to read "that, for example, in".
10461	"	21	"The Dr. Schneider" should be "Then Dr. Schneider".
10462	"	27	Change "societies" to "organizations".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10463	8835	30	Insert "to make" after "all had".
10464	"	31	Change "again of wages" to read "of deduction of wages".
10465	"	32	Insert "were" after "million".
10466	8836	8	Delete "You have to get into it too;"
10467	8837	10	Change "general manner; received" to read "general mail and not handed out";
10468	"	13	Change last word "noticed" to "remembered".
10469	"	24	Insert "therefore" after "could you,".
10470	"	28-29	Change from "purpose." in line 28 through "spends" in line 29 to read "purpose. I should consider it an embezzlement if, when I trust a comrade who says that he is collecting, he then spends".
10471	8838	2	Change period to comma after "anyhow". Change next words "I gave" to read "even if I had given".
10472	"	4	Place comma and insert "that is, to relieve poverty," after "purposes".
10473	"	10	Insert "at" after "who met".
10474	"	15-17	Change from "figures" in line 15 through line 17 to read "figures of one million are mentioned here, of which I do not know. I must say quite frankly, if I had known these figures, that the firm had contributed this".
10475	"	18	Change period to comma after "relief".
10476	8839	12	"of the Experts Committee, the CIA," should read "of the Technical Export Committee of the CIA,".
10477	8840	1	"If I had " should be "If I did not have".
10478	"	7	Delete period after "helped them" and

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10478(cont'd)	8840	7 (cont'd)	complete sentence with "when some question arose in the Nitrogen field. But such questions were not very frequent."
10479	8840	24	Insert "Q." before "The participation".
10480	"	26	"in both the motives" should be "both as to the motives".
10481	8841	3	Insert "in the hands of and" after "should be".
10482	"	10	"would be secured," should be "should be secured." Insert "with this instruction," after "request".
10483	8845	2	Insert "director" before "general".
10484	"	137	"the was not" should be "he was not".
10485	"	23	Change "or the conference" to read "and did not participate in the conference".
10486	8847	9	Change comma to period after "yesterday". Also change next word "with" to read "Wolff was".
10487	"	26	"179?" should be "169?"
10488	8848	18	Change "consideration of whether" to read "assertion that".
10489	8849	29	Change "in the concentration camp because" to read "towards the concentration camp inmates because".
10490	8850	16-17	Delete "The affiant testifies that the plant management insisted on correct treatment." (as repetition).
10491	8854	6	Change "is this statement that it was never interfered with" to read "is the statement that there was never any interference with".
10492	8855	1	Insert "was" before last word "customary".

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Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10493	8856	4	Delete comma after "war". Place comma after "Fuerstengrube".
10494	"	7	Change "one thing," to "one reason,".
10495	"	16	Delete comma and insert "of" after "Mine",
10496	"	32	"A visitor" should be "The Visitor".
10497	8857	16	"yet," should be "Mine,"
10498	8860	12	"has been done," should be "had been done".
10499	"	18	"that was" should be "it was".
10500	"	20	"it would be" should be "it will be".
10501	"	22	"Mr. Weinberg was." should be "Mr. Weinberg is,"
10502	"	31	"Were all these" should be "Did all these".
10503	8861	23	Insert "a" before "protective".
10504	"	26	"a document," should be "Exhibit".
10505	"	29	Insert "and by Skoda-Wetzlar" after "Plant".
10506	"	32	Change "matter," to "foundation."
10507	8862	1	Change first word "Which" to "What". Add "a" after last word "as".
10508	"	3	Delete "Yes,".
10509	"	4	"Kronneuburg" should be "Kronenburg."
10510	"	23	Insert "and" after first word "Pressburg".
10511	8864	23	Change line 23 to read "A. Because through this project from their own raw materials they would be able to produce)".
10512	8865	9	"Danube-Chemie" should be "Donau-Chemie".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10513	8866	3	"Steering," should be "Styre,".
10514	"	13	Change "to come in?" to read "to become a member of the Aufsichtsrat?"
10515	8868	18	Place quotation marks after last word "Office."
10516	8869	7-8	Change from "I don't know" in line 7 through line 8 to read "In any case he had no command over troops. Whether he had command over somebody else I don't know. I don't know how far his authority went."
10517	"	25	"to ask whether" should be "to mean whether".
10518	8870	5	Change "Heider" to "von der Heyde".
10519	"	12	Change "and perhaps, they were" to read "who were perhaps"
10520	"	18	"that you opposed" should be "did you oppose".
10521	8871	9	"can be" should be "cannot be".
10522	"	21	Insert "were considered as the so-called" before "wealthy". Also insert "and" after "Leuna".
10523	"	22	Change "Any such attempt would" to read "Any attempt to circumvent these contributions would".
10524	8873	18	Last word "name" should be "man".
10525	"	23	Insert "for instance," after "of . . . Mr. Helferich".
10526	"	25	Place quotation marks after "to it!".
10527	8875	4	Insert "according to my opinion" after "because".
10528	"	19	Add "In industry one always tried to keep up decency." after last word "excesses".
10529	"	23-27	Change from "I think" in line 23 through "or straight" in line 27 to read -23-

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10529(cont'd)	8875	23-27(cont'd)	as follows: I understood it in this way that one should speak frankly about unclean matters and that is actually what I also, when my attention was drawn to something, said frankly, and not only in this Circle but generally: "These are matters which are not clean or straight."
10530	8877	9	Change "I also think" to read "I also was of the opinion that".
10531	"	10	Change "I often told Schneider," to read "I occasionally told Schneider about it."
10532	"	17	Change "at any rate," to read "It is possible that".
10533	8878	21	Change "I intended" to read "the SS intended".
10534	"	27	"the SS always tried to find" should be "the SS surely tried in this way to find".
10535	"	29	Insert "had" before "really".
10536	"	30	Insert "I said that" before "I am today".
10537	"	31	"I didn't express" should be "I didn't have".
10538	8879	9	Change "In my opinion" to read "For instance".
10539	"	23	Place comma after second word "point". Change next word "and" to "the".
10540	"	27	"depends" should be "depended".
10541	"	28	Change line 28 to read "sphere as to limitations imposed upon us".
10542	8882	14	Insert "between" after "period".
10543	"	18	"that is quite possible. That" should be "it is quite possible that".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10544	8882	20	Delete "based on German coal, and which is".
10545	"	21	Insert "from German coal," after "raw materials", placing the quotation marks after "coal."
10546	"	21-22	"Many articles appeared. It was said" should be "Different articles appeared, in order to say that".
10547	"	32	Change "I didn't find out about that," to read "I didn't arrange that,"
10548	8883	1	Change line 1 to read "Gattineau that Bosch had decided that we should go there, and not I but Gattineau arranged this discussion. I was".
10549	8884	5	Change "applied to" to "been a matter ordered by".
10550	"	6	"industry, to import" should be "industry or by import".
10551	"	16	Change "and I did not know about the activities." to read "of whose activities I had no knowledge."
10552	"	21	Insert "against us," after "attacks".
10553	"	22	Insert "even" after "lectures".
10554	8885	28	"you can tell that from" should be "you can see it in".
10555	8887	24	Change "he wanted to convey that in the year when" to read "one must consider the fact that it was a year in which".
10556	"	27	"to us once and he asked us for" should be "to me and asked for".
10557	"	29	Insert "You are a scientist," after "about it," placing the quotation marks after "scientist." Change "I said," to "Then, I said,".
10558	8888	12	Change "that I myself" to "that everybody". Insert "and upset" after "surprised". "21-

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10559	8888	22	Change "wrote nothing about it," to read "was not mentioned by him,"
10560	8889	24	Change "immediately after " to read "the result of ".
10561	"	30	"We asked you to give us" should be "We ask you to produce".
10562	"	31	Change "and we give you our guarantee." to read "whereupon in return we will give you a guarantee contract."
10563	8890	14	Change "then we had" to read "during which we had". Change comma to period after "received that". Begin new sentence with "That".
10564	"	27	"Figures" should be "These figures".
10565	"	28	Change comma to period after "experiment". "as Buna or Viatra for example." should be "What did we spend for Buna or Viatra for example?"
10566	"	29	"that is the question how" should be "and the question is how".
10567	8891	7	Change comma to period after first word "losses". Delete next words "that must be misinterpreted."
10568	"	11	Insert "out" after "We are".
10569	8893	7	Insert comma after "Fuel". Also insert "Dr. Fischer, did you ever hear that the" after same word "Fuel,".
10570	"	20	Insert "A." before "I could well".
10571	"	31	Delete "But" before "These".
10572	8895	2	Change "Gelsenkirch" to "Gelsenberg".
10573	8897	1	"he remained" should be "he had remained".
10574	"	17	"his plan way" should be "his plain way".
10575	8898	12	Change "this writing of" to "this step of".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10576	8898	13	Change "I think" to "I thought".
10577	8902	23-24	Change from "The matter" in line 23 through line 24 to read "Technically the matter was such that the machines didn't really fit into".
10578	8903	28	Place quotation marks before "That is".
10579	8906	3	"with it," should be "with them."
10580	"	9	Change comma to semi-colon after "member".
10581	"	15	Place comma after "that is". Insert "the" before last word "then".
10582	8907	4	"for me," should be "from me,".
10583	8909	25	Insert "to" after "wanted".
10584	8910	18	Change "That was in January." to read "Whether that was in January, I don't remember exactly."
10585	8911	16	Change "something" to "anything".
10586	"	28	Insert "that" before "because".
10587	8912	9	Insert "was" after second word "that".
10588	"	24	"And I said," should be "I would say,".
10589	"	27	Place quotation marks after last word "it."
10590	8914	7	Delete "production".
10591	8915	29	"asking questions" should be "asking a question".
10592	8916	3	"would come" should be "came".
10593	"	4	Delete last word "the".
10594	"	30-31	Change "There had an order been issued" to read "An order had been issued".
10595	8917	4	Delete third word "that".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10596	8917	5	Insert "who" before second word "says,".
10597	"	10-11	Change from "tell you" in line 10 through line 11 to read "tell you anything about the actual handling. I cannot take any position with respect to this question since I was not concerned with it."
10598	"	20-22	Change from "Himmler," in line 20 through line 22 to read "Himmler, you didn't at any time have to deal with the Labor Ministry as a practical matter in order to procure concentration camp inmates. In fact,".
10599	"	26-28	Change from "says," in line 26 through line 28 to read: says, "Upon instigation of the Plenipotentiary General for Chemical Production Questions we inform you that the following firms have been ordered to carry out the construction works." These in my opinion, are proper matters concerning Labor Courts which I of course cannot judge or know.
10600	8918	1	Change "your confidence of Wolff?" to read "your connection with Wolff?"
10601	8920	8	Change last word "prosecution" to "cross-examination".
10602	8922	12	Delete "BY MR. MINSKOFF:"
10603	"	21	Second word "wrote" should be "written".
10604	8923	3-3	Change lines 2 and 3 to read "and, of course, it was also forbidden by the local offices concerned, by the camp leaders and the responsible people of the SS, as far as one had any influence on these things. That Duerrfeld and the other men did without doubt."
10605	8926	15	First word "are" should be "were". Delete "meetings".
10606	"	18-19	Change "whether those things which occurred at the time as contemporaneous" to read "whether the contemporaneous".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10607	8926	23	Change "MR. SPEECHER;" to "MR. MINSKOFF;"
10608	8930	16	Add "the" after last word "to".
10609	"	17	"of the foreign" should be "for the foreign".
10610	8931	10	Delete "accommodation of".
10611	8933	21	"I could see" should be "I can see".
10612	8935	1	Last word "the" should be "three".
10613	"	18	Change "obliged" to "induced".
10614	"	27	"Belgium" should be "Belgians."
10615	8936	2	"Document 1456," should be "Document NI-14556, Exhibit 1988,".
10616	"	4	"does this" should be "does not this".
10617	"	18	Delete "that".
10618	"	23	"accept them" should be "accept it"
10619	8937	6	"Mr. Unschoin" should be "Mr. Runnschoin".
10620	"	8	Change "the authorities" to read "the man who owned this plant".
10621	"	19	Change line 19 to read "told him that industrialists met there and I mentioned it".
10622	"	22	"a friend" should be "my senior friend".
10623	8939	21	"fifty" should be "25th".
10624	8940	11	Change "that Dr. Gattineau had nothing" to read "Mr. Gattineau having had anything",
10625	8941	22	Change "was to" to "night".
10626	8942	17	"is counsel" should be "are counsel".
10627	8944	1-4	Delete entirely lines 1, 2, 3 & 4 as repetition from preceding page.

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10628	8944	8	Change line 8 to read as follows: "Quantum Theory". I knew Dr. Buetefisch's opinion of this problem.
10629	"	8-9	After line 8 and before line 9 insert: Q. What was Dr. Buetefisch's sphere of work? A. Physico-chemistry.
10630	8948	16	Change "what do you look like?" to read "how you look!"
10631	8950	13	"let us" should be "led us".
10632	8952	31	"they could only meet" should be "they could only lead".
10633	"	32	Change "Either if they had not had this" to read "If they did not have this".
10634	8953	2	Change "wise," to "side."
10635	8954	12	Change "again," to "later." Insert "again" after "became".
10636	"	14	"fenitite" should be "definite". Insert "and" after "material,".
10637	8956	1	Change "make anybody's acquaintance," to "know of anybody."
10638	"	7	"Socialist," should be "Socialism,".
10639	"	8	Delete "to" after "I came".
10640	"	9	Add "of German science." after "exis- tence."
10641	8958	21	"Middle Oil" should be "Mineral Oil".
10642	8959	15	Insert "of Farben" after "department".
10643	"	24	"Griefel," should be "Griebel,".
10644	"	26	Change "states about" to read "discusses".

Item No	Transcript Page	Line (s)	PROPOSED CORRECTION
10645	8960	5	"caucuses," should be "Caucasus."
10646	"	11	Insert "had" after "Bockelberg".
10647	"	13	"No. 282," should be "No. 288."
10648	8960	17	Place comma after "to which", also place comma after "Farben".
10649	"	18	"from Farben" should be "by Farben".
10650	8961	2	Change line 2 to read "to reconcile the obligations of the company towards Stinnes with the inter(national)".
10651	"	6	Insert "indeed" after "opinion that".
10652	"	7-8	Changelines 7 & 8 to read "in Leuna, but that the plant could now be adapted for the production of technical and particularly military explosives. The affiant testi(fies)".
10653	"	18	Change "nitrates" to "hydrates".
10654	8964	12	Change "doctrine" to "direction".
10655	"	21	"deilement," should be "defilement."
10656	8965	30	Change "held in opening" to read "proceeded with the assertion".
10657	8967	6	Delete "when" before "Buetefisch".
10658	"	7	Insert "he," after "until".
10659	"	8	Delete comma and "that he" after "was made".
10660	"	23	"the Greheimrat from Weinberg" should be "Geheimrat von Weinberg". Change last words "request for" to read "risk for".
10661	"	24	"that can be" should be "which can be".
10662	8968	5	Change "so-called" to "close".
10663	8969	25	Insert "in" after "fallen".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10664	8971	2	"bo e" should be "bore".
10665	8973	7	Change "Fabel" to "Sauer".
10666	8978	13	"in his works," should be "in his words,".
10667	8080	7	Insert "was delivered" after "we sold".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10663	8985	.1	Change first line to read "(Falken)han brought it to my attention that it was possible to buy this mine; only through Mr. Falkenhan's hint did the problem 'Janina Mine' become quite clear to me."
10669	8986	3	"but these are" should be "but there are".
10670	8987	20	"Is it a problem" should be "Is the problem".
10671	8989	12	Insert "light and" after second word "occur".
10672	"	20	Delete "If" before "I had".
10673	"	29	Second word "that" should be "whether"
10674	8990	6	First word "The" should be "They".
10675	"	14	Change "number," to "date".
10676	8991	13	"to task" should be "to ask".
10677	"	21	"you make ask" should be "you may ask".
10678	"	24	Change last words "upon right" to read "your right and".
10679	8992	26	"what you read" should be "that you read".
10680	"	29	"A;; of this" should be "All of this".
10681	8993	16	"It has been" should be "It was".
10682	"	25	"the -- you signed" should be "the time you signed".
10683	"	26	Insert "had" after "have you". "until today?" should be "before today?".
10684	8994	29	"their administration" should be "the administration".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10685	8994	31	Insert "only" before "administered."
10686	8996	17	"described to you" should be "described by you".
10687	8997	14	Change "expected by us" to read "on matters for which we were competent."
10688	"	26	"conine" should be "confine".
10689	8998	1	Change first line to read "That depended on what field of work these questions concerned."
10690	"	23	Insert "in" after "witness".
10691	8999	7	First word "don't" should be "won't"
10692	9000	3	Last word "increasingly" should be "unceasingly".
10693	"	30	First word "works" should be "work".
10694	9001	20	Add "were" after last word "they".
10695	9002	18-19	Change lines 18 and 19 to read "but more people had to be lodged in this camp. The number of people living in the camp varied."
10696	9003	4-5	Change from "you say" in line 4 through line 5 to read as follows: you say: "Walter Guerrfield also procured in addition to the inmates needed by I.G. Farben inmates for other Upper Silesia enterprises." Did Dr.
10697	"	7	Insert "for Auschwitz as well" after "inmates".
10698	9005	15	"a long year," should be "a long period,".
10699	9006	2	"Managing director" should be "Plant leader (Betriebsfuehrer)".
10700	9007	16-17	"emphasized" should be "emphasized".
10701	9008	3	"It stands" should be "It should stand".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
10702	9009	31	Delete "and" after "matter".
10703	9012	2	"takeline" should be "tapeline".
10704	9013	11	"10929" should be "Ni-10929".
10705	"	29	"the witness makes," should be "I would make."
10706	9016	4	"Exhibits 1984" should be "Exhibits 1985".
10707	9019	21	Insert "which was the party of Stresemann. But when, after his death it" after "Volkspartei"
10708	"	22	"replations" should be "relations".
10709	9024	13	Third word "one" should be "on".
10710	9025	1	"may have" should be "may make".
10711	9028	4	Change semi-colon to comma after "position now".
10712	"	16	"or one" should be "or to one".
10713	9029	9	Change comma to period after "Party".
10714	"	20	Insert "of which" after "a telegram".
10715	9034	20	Insert "power" after "seizing"
10716	9036	15-24	"monies" should be "moneys".
10717	9037	10	Change "they were going to pay." to read "for the entire Ruhr Area."
10718	9038	9	"he an against" should be "he ran against".
10719	9039	22	"know now" should be "know how".
10720	9041	17-18	Change from "imagine that" in line 17 through "attitude." in line 18 to read "imagine that his personal attitude was in any way very different from the official economic policy".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
10721	9041	25	Insert "formerly" after "companies"
10722	9043	20	Delete "who," after "Funk,".
10723	"	24	"he cound" should be "he could".
10724	9044	3	Insert "who" after "Hutschmann".
10725	"	12	Place comma after "As I said, I".
10726	"	13	Place comma after "for many".
10727	"	15	"same industrialist;" should be "same industrialist,".
10728	"	16	Insert "in particular" after "government,".
10729	9045	1	Delete comma after "power".
10730	9046	4	Change last word "burdened". to "blamed."
10731	9047	6	"such negotiations." should be these negotiations."
10732	9048	26	Delete "the" before "industry,".
10733	9049	24	Change "was at Spandau." to read "concerned our Spandau plant."
10734	9050	5	Delete "meeting in February" as repetition.
10735	"	9	Insert "we contributed" before first word "for". change comma to semi-colon after "Party".
10736	9051	19	Change "was small machinery" to read "was a small office".
10737	9052	11	Place comma and insert "one" after "to day".
10738	9053	3	"of the so-called" should be "or the so-called".
10739	"	12	Last word "burdened" should be "charged".
10740	"	26,29	"Stein" should be "Steinbrinck".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10741	9055	10	"really came" should be "realley comes".
10742	"	20, 21	"by losses" should be "by fear of losses".
10743	9056	1	Insert "with distrust" after "observed".
10744	"	2	Delete "that if". Change last word "course," to "cooperation,"
10745	"	22	Delete "I will ask that" before "if the answers".
10746	9057	12	Delete last word "also".
10747	9058	5	Delete comma after "accepted" and place comma after next word "it".
10748	"	21	Change period to question mark after "I knew".
10749	9061	14	"work of the" should be "work on".
10750	"	18	"reasons by which" should be "reasons for which".
10751	9062	28	Insert "during our trial" before last word "Mr."
10752	"	30	Change line 30 to read "an estim: which cannot be far wrong."
10753	9064	11	"as trust," should be "I trust,".
10754	9065	6	Insert "to ask you" after "I would like".
10755	"	17	"deal with" should be "deal in".
10756	"	18	Change "concerning" to "with".
10757	"	28	"Director Andrea," should be "Director Weber-Andreae,".
10758	9066	3	Last word "aminly" should be "mainly".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10759	9066	6	Second word "grating" should be "granting". "and certain" should be "for certain".
10760	"	8	"close thouch" should be "close touch".
10761	"	18	Insert "and cosmopolitan" after "democratic".
10762	"	26	Insert "with" after second word "had".
10763	"	33	Insert "through many centuries" after "union".
10764	9067	11	Delete first word "and".
10765	"	12	Insert "peace," after "towards".
10766	"	13-14	"belonging" should be "belonged".
10767	"	15	Change period to comma after "tendencies".
10768	9070	3	"I also saw" should be "I also became".
10769	"	4	Change "danger because they became" to read "danger to my associates within my scope of activity, the Sales Combine Chemicals, who became".
10770	9071	5	Insert "not" after "in order".
10771	"	20	Change first word "was" to "not".
10772	"	31	"I saw that from documents here, orders" should be "I saw from documents here, for instance, that I never saw orders".
10773	9072	1	Change period to comma after "end of war". Continue with "and I did not know" in line 2, deleting "I never saw them".
10774	"	5	"all of the" should be "all of my

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10775	9072	17	Line 17 should read as follows "it was sufficient to imprison them all, which finally gave one the feeling".
10776	"	18	"one can not" should be "one could not".
10777	"	30	Change "would have been an insult." "was a consolation for me."
10778	9073	30	Change "No. On the one had, since I" to read "No, because since I".
10779	9074	22, 23	"1937" should be "1938".
10780	9075	6	Insert "during the bombarding." after "village".
10781	9077	2	Change "incorporated?" to "founded?"
10782	9078	1	Change "could no longer bear all the" to read "had failed as bearer of the".
10783	9079	13	"men of Farben" should be directors of Farben."
10784	"	14	"added to that," should be "by adding to that,".
10785	"	20	Place quotation marks after last word "veterans".
10786	9080	24-25	Change from "to have only " in line 24 through "Sparton." in line 25 to read "to have only one regular Vorstand member who was alone responsible for his sales branch."
10787	"	27	First word "did" should be "died".
10788	9081	5	"business men" should be "commercial man".
10789	"	6	"1939" should be "1931".
10790	"	7, 9, 11	"business man" should be "commercial man".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10791	9081	16	"conquer," should be "rule,".
10792	"	17	Change "to get into his position" to read "to gain any influence besides himself".
10793	"	19	Insert "Swiss" before "citizenship".
10794	"	25	Change period to comma and add "even if it was in my interest." after first word "(natural)ized".
10795	"	29	Delete "my" before "friend".
10796	9082	15	Insert "especially," after "told us".
10797	"	18	Change period to comma after "(an)nounced". Delete next words "He said specifically that".
10798	9083	16	"especially of " should be "especially in".
10799	"	18	Change last word "after" to "until".
10800	9084	17	Change "I was subordinate to" to read "it was under the charge of".
10801	"	21-22	Change line 21 through "I myself" in line 22 to read "von Heider, I was subordinate to Mr. Weber Andrae. I myself".
10802	9085	27	Change period to comma and insert "where" after first word "Berlin".
10803	9086	12	Change "didn't talk even about" to read "mostly he spoke about"
10804	"	13	Change "made with Sweden and other" to read "made or were to be made with foreign".
10805	9087	19	"The importance of the sales" should be "The important sales".
10806	"	31	Insert "in" after "for instance,".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
10807	9088	25-27	Change lines 25 and 26 through "development" in line 27 to read "(There)fore, these cartel conventions, which in the field of chemicals could be cancelled on short order, constituted an economic structure which could not be avoided, a development".
10808	9089	10-11	Change "cause the Russians to be called into" to read "result in the inclusion of the Russians in
10809	9091	1	"quantity," should be "quality,".
10810	"	4	"its own quota" should be "his quota".
10811	"	15	"complete" should be "compete". Insert "in the field of heavy chemicals." after "seriously".
10812	"	16	"allied partners." should be "internal partners."
10813	"	31	Insert "convention and" after "supervise the".
10814	9092	7	Insert "commercial" after first word "the".
10815	"	11	First word "TEA," should be "CHEM".
10816	"	19	Change "substitution of" to "support of".
10817	9093	4	Insert "who produced sulphuric acid out of pyrites" after "acid producers".
10818	"	5-6	Change from "were used" in line 5 through line 6 to read "were smelted at the Kurbhuetten. The metals gained in this process were independently sold by that plant. The Sales".
10819	"	11	Insert "on behalf of the Aluminiumwerk GmbH." after "sale".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10820	9094	1	Delete first word "Correction." Change period to comma and add "or attended them only exception- ally." "Affor," 1938,
10821	"	9	Insert "Berlin and" before last word "Bitterfeld."
10822	"	20	Change "with this very phase of business." to read "with this business which then was very small.
10823	"	31	"had to find" should be "found".
10824	9095	29	"ferr-malybden" should be "ferro- molybdene". "ferro-manadine," should be "ferro-vanadium,"
10825	9096	9	Change "syndicate market which were--" to read "convention home market".
10826	9097	4	"Wegger" should be "Wacker".
10827	"	7	"phenol process" should be "dephenalisation process".
10828	"	8	"Portland process," should be "the porcelain-bleaching process,".
10829	"	12	Place comma after "rust".
10830	9098	24	Insert "and in the fluorine- association" before "at a later".
10831	9099	31	Change line 31 to read "and the various restrictions on this traffic increased more and more."
10832	9101	10	Change period to comma and add "but only advisory functions." after "decisions".
10833	"	27	"sparten responsibility, Verkaufs- gemeinschaften," should be "Spar- ten or sales combines,".
10834	"	29	Change "Verkaufsgemeinschaften" to "sales combines".
10835	9102	16	Change "single" to "cases,".

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Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10836	9103	3	"from a technical point of view," should be "from the technical point of view of granting licenses".
10837	"	6	Delete "only" before last word "formed."
10838	"	7	First word "He" should be "It". Delete last three words "that committee only".
10839	" v	8	Insert "only" after first word "had
10840	9104	15	Change "such meetings" to read "meetings of that committee".
10841	9106	8	"pharmaceutical" should be "pharmaceuticals,".
10842	"	10	Insert "with regard to sale" after second word "products".
10843	"	11	"is a way" should be "in this way".
10844	"	12	"successor" should be "successors".
10845	"	25	Insert "in such a short time" after "Farben".
10846	9107	4-5	Change "discussed" to "concluded".
10847	"	8	Insert "or Working Committee" after "Vorstand".
10848	9108	17	Add "be" after last word "would".
10849	"	25	Insert "speaks about" before "a visit". "at Hitler's place" should be "to Hitler".
10850	9109	1	Insert "only" after first word "I".
10851	"	2	Place period after "NSDAP". Begin new sentence with "With the field".
10852	"	6	Insert "is about" after "Page 89,".
10853	"	7	Place comma after "1933" and delete next words "and discussed".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10854	9109	14	Insert "as" after "quoted",
10855	"	28	"constructions" should be "construct."
10856	9110	8	"that has" should be "that it had".
10857	"	11-14	Change from "motor cars" in line 11 through "important" in line 14 to read "motor cars. I know that the prospects in the light metals field were considered satisfying in 1930 or 1931, and in view of the technical development which was expected, the expansion of the magnesium capacity from 6,000 to 8,000 a year was designated as the first aim of production."
10858	"	17-18	Change "not another plant which was later built at Staatsfurt," to read "or the other plant at Stassfurt, of which I only heard later,"
10859	"	22	"Because of scarcity of the" should be "Because of the scarcity of".
10860	"	23	Change line 23 to read "aluminum also had to substitute for copper so that the".
10861	"	24	Add "was quite plausible." after "capacities".
10862	9111	31	Change "attendance" to "supervision"
10863	9112	31	"get them" should be "get it".
10864	9113	2	Insert "of natural rubber" after second word "demand".
10865	"	18-20	Change lines 18, 19 & 20 to read "the industrialists, however, could judge their significance within the entire consumption."
10866	9114	16	"plant." should be "plans."
10867	"	21	Change line 21 to read "only with deferment of commercial personnel from".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10868	9115	7-8	Change "Verkaufsgemeinschaft Combine Chemickalion," to read "Sales Combine Chemicals,".
10869	9116	15	Change "undertaken," to "dealt with,".
10870	9118	4	Change "under Bitterfeld" to "and aluminum production of".
10871	"	7	Place semi-colon after last word "Metallgesellschaft".
10872	"	8	Change line 8 to read "that is, the share of Farben alone amounted to about 20 or 24 thousand tons."
10873	"	29	Change "-- the development of" to read "where".
10874	"	30	"as mentioned." should be "is mentioned."
10875	9119	4	Change "much is made of the production" to read "mention is made of the stockpiling".
10876	"	5-6	Change "for us and others." to read "phosphorus and cyanite alloys."
10877	"	6	Insert "as well as 'intershall'" after "Farben".
10878	"	29-30	"is part 2 is dealing" should be "in part 2 deals".
10879	9122	26	Insert "Document Book" before "No. 2 --".
10880	9123	11	Change "concentrate" to "content".
10881	"	16	Delete "the" before last word "National".
10882	9124	2-4	Change from "the Potassium" in line 2 through "Group" in line 4 to read "the Potassium and Sodium Stockpiling Convention, in which beside a German Group, French, Swedish,

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10883	9124	2-4 (cont'd)	English, Italian and Swiss groups participated; also the Bichromatic Convention with English, French, Belgian, Italian and American groups."
10884	"	6	"was Swedish," should be "with Swedish,".
10885	"	7	"was English, Swedish and" should be "with English, French and".
10886	"	8	"was English" should be "with English".
10887	"	9-10	"with Austria and several others." should be "with Austrian and French participation and several others."
10888	"	23	Insert "and to export them" after "products".
10889	9125	10-11	Change "members. The calculations were made" to read "members, above and under the fixed quotas, resulting from calculations".
10890	"	20	"These negotiations" should be "In these negotiations".
10891	9126	5	"conventions" should be "convention". Last word "Germany" should be "German".
10892	"	21	Change "dissension" to "cancellation". Insert "made" after "were never".
10893	9127	2-3	"internation" should be "international".
10894	"	12	"and bichrome" should be "of the bichrome".
10895	"	15	Change "witness" to "affiant".
10896	"	19	"contracts" should be "contacts".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10897	9129	17	Insert the following after "licensing abroad of war important products by Farben after 1933. Can you tell anything about it from the point of view of your own scope of activity? A. Yes, I can mention magnesium. By licensing (continue with "and opening ...").
10898	"	18	Change period to comma after "136". Continue sentence with "these".
10899	9130	17	Change "Chemistries" to "Chemical Industries Ltd".
10900	"	18	"Not the French" should be "Nothing in the French".
10901	9132	14	"had to take" should be "had given".
10902	9133	2	"and the reduction" should be "so that the reduction".
10903	"	2-3	"had been established." should be "could be calculated."
10904	9134	10	Change "seeing them working." to "putting them into operation."
10905	9135	24	Insert "a" before "scheme".
10906	9136	10	"with the I.G. and with" should be "from the I.G. and from".
10907	"	20	"so that current" should be "as current".
10908	9137	7	"and use" should be "and for using".
10909	"	9	"explored" should be "exploited".
10910	"	12	Delete as repetition "rock from Idaho make nitrogen and nitro-phosphate".
10911	"	21	"wheat" should be "weed".
10912	9138	18	Delete period after "counsel" and continue sentence with "in order".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
10913	9138	19	Change comma to period after "prison". Begin new sentence with "There".
10914	9139	11	Insert "In these meetings" before "certain".
10915	9141	18	Delete "tense" before "political".
10916	9142	24	"1933," should be "1934,".
10917	9143	4	Change "secure our freedom" to "secure freedom and peace". Place quotation marks after "established."
10918	"	6	Place quotation marks before "these words".
10919	"	8	Third word "quite" should be "quote".
10920	"	24, 26	"Credit Institute," should be "Creditanstalt,".
10921	9144	18-20	Change lines 18, 19 and 20 to read "consideration that the basis of the Skoda-Wetzler A.G. might be shaken as a result of the dropping of the high protective customs induced Mr. Pollak to try to get into closer connections with Farben."
10922	"	28-30	Change from "succeeded" in line 28 through "him." in line 30 to read "succeeded in having a commission of Vorstand members of Farben, among who was Dr. Kuehne, visit him."
10923	9145	17	Insert "together with Solvay" before "an important".
10924	"	23	"Commerce" should be "Commercial".
10925	"	27-28	"Labor Chemicals Combine" should be "Sales Combine Chemical".
10926	"	30	"divided one-third each," should be "taken over one-third each by".
10927	9146	7 & ff.	"Commerce Committee" should be "Commercial Committee".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10928	9146	14	Delete quotation marks before and after "Prague Association,". Add "or Prager Verein," after last word "Association,"
10929	"	26-27	Place period after "Committee". Change "of General Director firms." to read "This is the only instance that I recall."
10930	9147	1	"Commerce Committee" should be "Commercial Committee Meeting".
10931	"	7	"new order of the chemical industries" should be written "New Order of the Chemical Industries".
10932	"	8	Place semi-colon after "prosecution". Change rest of sentence to read "that was the idea of Pollak of Skoda-Metzler."
10933	"	24	"requests" should be "questions".
10934	"	31	"was out" should be "was our".
10935	9148	5, 14	"Commerce Committee" should be "Commercial Committee".
10936	9149	16	Add "ore" after "German".
10937	9150 & ff.	1 & ff.	"Credit Institute" should be "Creditanstalt".
10938	"	28	Insert "German page 6606," after "instant".
10939	9151	27	"him after he was dismissed." should be "his dismissal."
10940	"	31	"29th" should be "28th".
10941	9153	3 & ff.	Change "Annexation" to "Anschluss".
10942	"	7	"my Prosecution Exhibit 107." should be "Prosecution Exhibit 1071."
10943	"	22	Change "Customs Union" to "protective customs".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10944	9154	5	Place comma after "organization". Delete next word "on". Also place comma after "Anilinchemie".
10945	"	13	Change "and" to "towards" before "Skoda-Wetzler,".
10946	9155	29	"Credit Institute?" should be "Creditanstalt?"
10947	9157	12	Change second word "occupied," to "used."
10948	"	16	"trunuological" should be "terminological".
10949	"	17	Change "because of letting" to read "in order to let".
10950	"	22-23	Change "to grant the permission to him?" to read "for the audience?"
10951	"	24	"we received a letter" should be "he received our letter".
10952	9158	20	Delete question mark after "Kreditanstalt" and add "and Skoda-Wetzler?" after same word.
10953	"	28	"before," should be "beforehand,".
10954	"	31	"only one" should be "only a".
10955	9159	1	"a,6" should be "A.G."
10956	"	12	Change "morale among the populace" to read "public opinion".
10957	"	13	Change "annexation;" to "Anschluss;".
10958	"	14	Change "It was general acceleration;" to read "There was general enthusiasm;"
10959	9161	24	"1084" should be "1083".
10960	9164	10-11	Change "regarding" to "when discussing"
10961	"	27	Insert "who" after "Keppler,".
10962	9165	25	Insert "in" after "called me".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10963	9165	26	Delete "called me in and".
10964	"	30	Place comma after "factory". Delete next word "with".
10965	9166	1	Change comma to semi-colon after "stake".
10966	"	10	Insert "in the" after "that".
10967	"	11	Change first word "deal" to "take".
10968	9167	14	Change comma to semi-colon after "Prager Verein".
10969	"	16	Change comma to semi-colon after "suitable".
10970	"	31-33	Change lines 31, 32 & 33 to read "On the representative of the Prager-Verein, as General Director Dvoracek has confirmed on the witness stand, and rightly so, a very important responsibility lay."
10971	9169	1	Delete "and" after "investigated,".
10972	"	10	Delete "a much lower purchase price, at beginning of line".
10973	"	16	Insert "of a larger amount" after "payment".
10974	"	17	"under the Titanium White convention should be "by Titanium White."
10975	"	28	"interruption" should be "interrupting".
10976	9170	16	"on the parts which" should be "which would".
10977	9172	10	Delete "the necessity of selling realized".
10978	"	17	"ecomic" should be "economic".
10979	"	18	"grom your own" should be "from your own".
10980	9173	17	"after the scale" should be "after the sale".

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Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10981	9173	28	Change "it participated" to "prager Verein was able to participate".
10982	9174	19	Insert "by constructing its own plant" after "production".
10983	9175	3	"applied" should be "applicable". "We have to" should be "We had to".
10984	"	15	Change "the I.G. for the nitrogen Fertilizier to" to read "A.G. for Nitrogen Fertilizer (A.G.fuer Stickstoffduenger) in Knapsack to".
10985	"	17	Delete second word "a".
10986	"	18	Delete "who" after "Bachmann".
10987	9176	2	"when I was" should be "whether I was" "of six" should be "or six".
10988	"	16	Change "Heyden" to "Farben".
10989	"	26	Delete "Count II," after "go over to". Insert "in Count II." after "Poland".
10990	9177	6	"to Dr. Kuehner" should be "and Dr. Krueger".
10991	"	12	"Kuehner" should be "Krueger".
10992	"	14	Change comma to dash after "R.I.I".
10993	"	18	Change "to prevent" to "to bring about".
10994	"	19	Delete "and Dr. von Schnitzler gave the information".
10995	"	31	Delete period after "message" and complete sentence with "to Dr. von Schnitzler that a Farben matter was concerned."
10996	9179	3	"in other" should be "about other".
10997	9181	2	Change "sediation" to "spoliation".
10998	9184	19	Add "planned" after last word "the".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
10999	9186	14	Change line 14 to read "Hydro in the Nordisk Lettmetall, that was about to be founded, during these negotiations?"
11000	9187	7	Place comma after "spontaneously". "by way of" should be "as a matter of"
11001	"	16	"more less" should be "more or less".
11002	"	29	"has thereby been" should be "was thereby".
11003	"	31	"dejenner" should be "dejeuner".
11004	9188	26	"Stuere" should be "Styre".
11005	9189	12	"2000,000" should be "200,000".
11006	"	14	"it was impossible such a plan" should be "such a plan. was impossible".
11007	"	16	Change "-- that I was speaking about yesterday". to read "Bonneville about which I was speaking yesterday".
11008	"	17	Change "factory" to "production".
11009	9192	22	Insert "that was the so-called Montoire time during which" after first word "No,".
11010	"	23	Delete "at that time".
11011	"	24	Insert "on for the first time" after "reported".
11012	9193	8	Insert "from France" after "Lorraine".
11013	"	9	Place comma after "here". Change rest of line to read "out of necessity, the question of".
11014	9195	5	Change "Ostchenie" to "Chemie Ost".
11015	9196	11	Insert "plus an adequate industrial profit." before "later I managed",
11016	"	20	"turn if" should be "turn it".
11017	"	26-27	"internation" should be "International"

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
11018	9196	28	Last two words "that was" should be "it was".
11019	"	31	"that is" should be "that it is".
11020	9197	19	Change comma to period after "concession". Begin new sentence with "In".
11021	"	22	Change "collaborates" to "confirms".
11022	"	24	Change period to comma after "occasio". Continue sentence with "during".
11023	"	25	Insert "referring to" after "negotiations".
11024	9200	14-16	Change from "enemy" in line 14 through line 16 to read "enemy to be forced to undergo in inadequate air raid shelters, together with women and children, a bombardment by 2000 or more bombers."
11025	9203	12	"a social attitude of my colleagues" should be "the social attitude of my technical colleagues".
11026	9204	28	Change "von Schnitzler" to "Schnitz".
11027	9204	12	"Tiflostencza" should be "Zivnostenska".
11028	"	23	Second word "regard" should be "record".
11029	9206	5	Second word "Haeger," should be "Eger".
11030	"	10	Change question mark to comma after "done" and complete sentence with "were you in the position to do anything at all?"
11031	"	24	Change "aluminum industry?" to "of lime industry?"
11032	"	27-28	"nitrogen of lime" should be "Nitrogen Fertilizer (A.G. fuer Stickstoffsduenger)".
11033	9208	8	"there was such considerations to be" should be "there, what considerations were to be".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
11034	9208	9	"difficulties to be" should be "difficulties were to be".
11035	9217	6	Change period to comma after "certainly", continue sentence with "this letter".
11036	9220	1	First word "Godd," should be "Well."
11037	"	26	"to be" should be "should be".
11038	9221	8	Change period to comma and insert "in order that they do not get a majority." after first word "want", with quotation marks after "majority."
11039	9223	9	Place comma after "sulphur matters".
11040	"	22	"as to what" should be "as what".
11041	"	25	"you can to" should be "you can go".
11042	"	27	Insert "Dr. Frentzel to" before "Dr. Nugler".
11043	9224	27	"lage 1933," should be "late 1933".
11044	9228	6	"tunhsten: ores" should be "tungsten ores".
11045	9230	11	Place comma after "geared".
11046	"	15	"amy we offer" should be "may we offer".
11047	9237	14	"he east" should be "he oats".
11048	9239	26	Change period to comma after "meeting", continue sentence with "when".
11049	"	27	Place semi-colon after "discussed", "it must be" should be "it must have been".
11050	9240	15	"hobb-" should be "hobby".
11051	"	16	Insert "as" before "I might".
11052	"	23	"H-matters" should be "the matter".
11053	9241	9	Insert dash after "11th"

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
11054	9242	7	Delete last word "not".
11055	9243	17	"1935" should be "1945".
11056	"	25	Change "being told" to "any statements"
11057	9244	1	"That is all right." should be "Is that right?"
11058	9246	22	Change third word "they" to "these things".
11059	9249	27	Insert "to" before "still maintain".
11060	9250	10	Insert "presented" after "that were"
11061	"	16/17	Change "the other defendant" to "his counsel".
11062	"	21	"in the bow" should be "in the box".
11063	9252	28	"Dr. Klieninger." should be "Dr. Plieninger."
11064	9253	2	Change "incorporation" to "foundatio"
11065	"	7	Insert "in the meetings of the old Commercial Committee, and from 1932" after "I participated".
11066	"	16	"did you there" should be "did you then".
11067	9254	8	First word "formerly" should be "formally".
11068	"	13	"such a vote" should be "any vote".
11069	"	29	Change "and the character" to read "and at the same time had the functi."
11070	9255	28	Third word "agencies" should be "offices".
11071	9257	6	Insert "(See lines 11 ff. below)". after "half an hour".
11072	"	27	Change comma to period after "point".
11073	9259	22	"on December," should be "on 14 September,".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
11074	9259	31	"Boon Research." should be "Market Research."
11075	9260	4	"Harol" should be "Hardy".
11076	"	5	"Glioderer," should be "Loderer,".
11077	"	8	Change "who occasionally participated;" to read "and I, and occasionally a number of other gentlemen;".
11078	"	24	"in Germany," should be "in all Germany,".
11079	"	25	Change "certain recommendations that were made for" to read "the recommendations for the first steps towards".
11080	9262	16	Add "of" after last word "facts".
11081	"	25	"did not only understand" should be "not only understood".
11082	9263	10	"took a hand" should be "take a hand".
11083	"	26	Insert "to" before "watch".
11084	9265	6	Insert "and finally" before "they tried".
11085	"	7	Place period after first word "me" and delete next words "and then they tried to resist me."
11086	"	12	Change "Counsel" to "We".
11087	9266	12	"Callup Institute" should be "Gallup Institute".
11088	"	16	Delete third word "would".
11089	"	17	Delete "then" after "government,".
11090	9267	30	"objectives" should be "objections".
11091	"	32	"Karl Schulz" should be "Karl Schurz".
11092	"	33	"at the dissatisfaction" should be "to the dissatisfaction".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
11093	9268	9-11	Change from "names" in line 9 through line 11 to read "names - Draudt, von Flugge, von Breich-Oppert, Jaguer, Haas, von Malzahn, Kioschko, Schulz, Fuhrmann, Petrich, Lederer, Jacobi, Bochanowsky, David, etc."
11094	9269	8	Insert "he" before "helped".
11095	"	22	Second word "Borous," should be "Bo-roa,". "Youngrin,". "Youngrin," should be "Ljungren,".
11096	9270	4	Delete "at the time,".
11097	"	11	"VOI," should be "VOI,".
11098	9271	5	Add "Director" after last word "General".
11099	"	8	"Mr. Kep;" should be "Mr. Kiep;". Insert "de La Grange, the Chairman of the French Senate Committee for Foreign Affairs;" after last word "Bianchi".
11100	"	9	Insert "Director" after "General".
11101	9272	11	"Magown," should be "Mc Goran,".
11102	9273	10	Change "that it is very definite." to read "what it was"
11103	9274	22	Change "was due to" to read "was influenced by".
11104	"	23	Insert "the planned economy" after "controlled economy,".
11105	"	26	Change semi-colon to comma after "considerably".
11106	"	27	Change "however," to "but".
11107	"	28	Complete paragraph with following sentence "We have corrected this point in our documents."
11108	"	31	"92," should be "93,".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
11109	9276	23	Delete "'K' and 'L'".
11110	"	24-25	Change from "case of" in line 24 through line 25 to read "case of mobilization by Farbon and all other important firms of the private economy, namely the so-called K and L enterprises."
11111	9277	19	Insert "referred to" after "deferment,".
11112	9279	3	Insert "control" after "exchange".
11113	"	11	"billion," should be "million."
11114	"	19	Insert "promotion of" after "Europe,".
11115	"	20	"This cultivation" should be "The cultivation".
11116	9280	5	"to all countries almost" should be "to almost all countries".
11117	"	9	Change comma to period after "countries". Begin new sentence with "The German" in line 10.
11118	"	13	Delete "was" before "decreased".
11119	"	21	"domestic boom" should be "domestic boom".
11120	9281	6	Insert "arrangement" after first word "export".
11121	"	12	Delete last words "from exports".
11122	"	17	Insert "this fund" after "created,".
11123	9282	2	Place comma after "purpose". Next word "that" should be "which".
11124	9283	20	"I feld" should be "I felt".
11125	9284	4	"inconsequent consequence." should be "consequent inconsequence."
11126	9285	26	Delete comma after "existed".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
11127	9285	27	Insert "official" after first word "the". Also insert "for 2 years" after "existence".
11128	9286	17-18	"That was a critical opinion to be expressed about" should be "It was a critical opinion about".
11129	"	23	Delete second word "for".
11130	9287	16	Change "concentration" to "licensing".
11131	"	22	Delete comma after second word "in".
11132	9289	14	"say, I pronounce" should be "say I, pronounce".
11133	9291	7	"Dr. Guernert," should be "Dr. Goernert,".
11134	"	12-13	"in the SS respect," should be "in respect to the SS,".
11135	"	22	Place comma after last word "Goering".
11136	"	23	Change "Goering -- I mean, Krauch wasn't an important," to read "I mean, Krauch was".
11137	"	24	Insert "especially in the chemical sector,". after first word "man,".
11138	"	25	"And to me personally," should be "And I personally,".
11139	"	26	Delete "I" before "told".
11140	"	27	Change "this and then he told me he was a very" to read "this matter and then he told me Krauch was indeed a very".
11141	"	28	Insert "he" before "couldn't".
11142	"	29	Place comma after "initiative" and delete next words "and experience".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
11143	9291	32	Change "to expose" to "to turn out".
11144	9292	1	Change line 1 to read "because on the other hand, the SS pursued this field of research, and always with their other efforts for power, sought also to get this matter in their hands. Goering, on the other".
11145	9293	10, 12	"GUERNERT" should be "GOERNERT".
11146	9296	8	"different" should be "difficult".
11147	"	10	Change "to scrutinize" to "to look for".
11148	"	11	Change first word "with" to "in".
11149	9297	4-5	Change from "conferences" in line 4 through line 5 to read "conferences and knew the person he spoke to in conferences and knew above all who participated in the conferences, or were there".
11150	"	13	"fors evral" should be "for several".
11151	"	14	Change "and where it would be," to read "would be where,".
11152	9297	17	Place period after "work" and delete next word "so,".
11153	"	22	"will hot" should be "will get".
11154	"	24	"asled" should be "asked".
11155	9298	15	Delete first word "were".
11156	"	29	"staring" should be "starting".
11157	9299	6	Insert "in" after "I was".
11158	"	7-9	Change from "lying" in line 7 through line 9 to read "lying for weeks on the floor in Moosburg, wrapped in blanket and I had no more memory about this. If I had been treated better I would have been very glad to answer the question, but at the moment I lay wrapped in blankets and I had no memory."

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
11159	9299	26	Change "once more" to read "I would like".
11160	9300	5	"the opinion" should be "his opinion".
11161	"	7	"Krauch did represent his opinion" should be "Krauch's opinion".
11162	"	8	Change line 8 to read "labor, cit of experts of of skilled workers, based".
11163	"	9	Delete "opinion of".
11164	"	10	Insert "and" after "inmates".
11165	"	11	Change "this business" to "economy".
11166	"	12-13	Change from "was a" in line 12 through line 13 to read "was a scientific man and as a farbon man interested in the matter."
11167	9301	23	"were then" should be "there were".
11168	9302	19	Delete "detention".
11169	"	25	Change "with them" to "with Goerlin pictures."
11170	"	30	Insert "for" before "all these".
11171	9303	6	"that was" should be "which was".
11172	"	9	Change second word "somewhat" to "something".
11173	"	12	"to a castle from Berchtesgaden" should be "to the castle Bad Mondorf from Berchtesgaden".
11174	"	13	Change "trunk and it" to "trunk which was always with him and".
11175	"	14	Change "That such a trunk is" to read "And because the trunk had to be".
11176	"	15	Place comma after "there". Change next words "and when one asked me" to read "I was repeatedly asked".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
11177	9303	17	Place period after first word "the things".
11178	"	18	"with another man" should be "with a certain finger".
11179	9304	5	"responsible" should be "responsi
11180	"	7	"let go" should be "let's go".
11181	9305	16-17	Delete "the connecting interest of the witness".
11182	9313	30	Last word "export" should be "exports".
11183	9315	27	Delete "there appears, that". Also delete comma after next word "is".
11184	9316	5-6	Delete "which were actually -- and the final version was".
11185	"	7	"missed" should be "miss".
11186	9318	20	Change line 20, to read "as the name given to the plan by Goering shows. It was called 'The'".
11187	"	22	"was always" should be "were always".
11188	9325	18	"at the time" should be "at that time".
11189	9327	6	Change "minutes" to "records".
11190	9328	21	Change last word "being" to read "since you are a".
11191	"	25	Delete "with" before "the effects".
11192	9330	11	Change period to comma and insert "Prosecution Exhibit 2300." after "HI-14700".
11193	9331	7	"one such Chief?" should be "such a Chief?"
11194	9332	8	"Book Gadowski." should be "Book f Gajowski."

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
11195	9333	14	Change "these signatures are" to "this designation is".
11196	"	18	"about documents" should be "about a document".
11197	9334	1	"as if he said," should be "than if he said,".
11198	9335	22	"have had" should be "have made".
11199	9336	8	Insert "shoudl" after "Defense". Also insert "as to" before "physical".
11200	"	14	Last words "made the" should be "make the".
11201	9337	6	Place quotation marks after "right,". Next word "and" should be "or". Also place quotation marks before last word "the".
11202	"	28	Change period to comma after "circumstances".
11203	9338	11	"is part from some" should be "is apart from some".
11204	"	28	"have not signed" should be "do not sign".
11205	9339	16	Place period after "necessarily". Delete next word "and".
11206	"	19	Insert "him" after "I asked".
11207	"	23	"Mueller." should be "Miller."
11208	9340	3	Last words "that a" should be "that for a".
11209	"	5	Change line 5 to read "by the Prosecution with consideration for the corrections of".
11210	"	6	Place comma after "Dr. Ritter". Next words "and I agree" should be "I will agree".
11211	9341	2	Insert "when" after "matter as".
11212	9343	4	"it cal be read," should be "it can be read."
11213	"	24	"Mueller" should be "Miller".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
11214	9344	11	Second word "signature" should be "signatures".
11215	9349	27	"that is being" should be "that he is".
11216	9351	24	Change first word "copy;" to "statement;".
11217	9354	7	"clear to that," should be "clear as to that."
11218	9355	15	Delete "something".
11219	9356	11	"it is getting" should be "they are getting".
11220	9359	9	Insert "that," after "today and".
11221	9361	15	Delete comma after "Government".
11222	"	16	"increased" should be "increase". Change question mark to comma after "fiber".
11223	9363	24-25	"cellulose and artificial rayon." should be "cellulose wool and artificial silk."
11224	9367	12	Insert "that" after "anything for".
11225	9369	6	Insert "wool" after "cellulose".
11226	"	19	"he did." should be "they did."
11227	9370 & ff	7 & ff	"cellulose" should be "cellulose wool".
11228	9372	2	"plant" should be "plan".
11229	9373	28	"which was not" should be "as was not".
11230	9374	16	Place quotation marks before "when in 1933".
11231	"	20	Place quotation marks after "justified."
11232	9377	24	"Dr. Trendlenbog." should be "Dr. Trendelenburg."
11233	9378	18	Change "foreign political" to "commercial".
11234	9379	14	Place comma after "by force".
11235	"	27-29	Change from "collected" in line 27 through "Germany" in line 29 to read "collected the industrialists in a program of propaganda to be spread abroad for the new Germany."

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
11236	9380	20-28	Change "Alkali" to "Potassium".
11237	9380	21	Change "Diet" to "Association".
11238	"	23	Complete paragraph with "I believe two or three."
11239	9382	6	Add "Consul" after last word "General".
11240	"	12	"Goeteborg" should be "Goeteborgs Handels og Sjøeferts Tidende".
11241	"	13	Insert "as Mr. Bobs" after "such people".
11242	"	32	Insert "especially" after "men".
11243	9386	26	"Frank Gardener," should be "Frank Garden,".
11244	"	28	"Cui Bonum" should be "Cui Bono".
11245	9387	1	"to Robert Byrnes and Robert Byrnes" should be "to Rolend Burnes, and Roland Burnes".
11246	"	5	Place quotation marks after "Standard Oil". Next words "and other industrialists" should be "also an industrialist." Place quotation marks before last word "He".
11247	"	6	"had to be" should be "has to be". Place quotation marks after "seriously".
11248	"	25	"Aniliner" should be "Aniline,".
11249	9389	15	Add "he had" after last word "later,".
11250	9391	12-14	Change from "cable;" in line 12 through line 14 to read: cable: "Will come myself to see." Ivy Lee cabled: "I am ready to come." He wanted to make a trip to Italy and Belgium anyway, I believe on the Solvey matter, and he actually did come.
11251	9393	22	Change last word "exports." to read "industrial and export interests,"
11252	9395	4	Delete "ti" after "To make".
11253	"	7	"I didn't" should be "It didn't".

Item No.	Transcript Page	Line (s)	PROPOSED CORRECTION
11254	9397	1	Second word "that" should be "who".
11255	"	8	"Boom Research (Konjunktur Forschung)" should be "Market Research" (Institut fuer Konjunktur Forschung)".
11256	"	21	"Boom Research" should be "Market Research".
11257	9398	3-5	"addresses" should be "addressees".
11258	"	5	Change "by people who assumed" to read "in the assumption".
11259	"	28	Delete last two words "and Conference".
11260	9399	7-8	Delete "with you" after "discuss". Change "Farben; also did he discuss them" to read "Farben and yourself".
11261	"	10	Line 10 should begin as follows: "A. In no way whatsoever. He talked...."
11262	"	12	"A.P.U.P." should be "Associated Press, United Press,".
11263	9400	3	Insert "who was a press man" after "Passarge,".
11264	9403	7	Change "the promotion of the" to read "the endeavor for the promotion of".
11265	9404	29	"Alkali" should be "Potassium".
11266	9408	18	"whom had" should be "whom we had".
11267	9410	19	Insert "higher" after "to pay".
11268	9412	26	Insert "(Vertrauensmann)" after "confidential agent".
11269	"	27	Insert "(Verbindungsmanner)" after "liaison men".
11270	9413	5	Change first word "presenc" to "method of proceeding".
11271	"	25	Change "the ZEFI, the liaison man" to read "the ZEFI confidential agent".
11272	"	28	Change "the automobile union" to read "the agency of the Auto-Union".

Item No.	Transcript Page	Line (s)	PROPOSED CORRECTION
11273	9413	31	First word "used" should be "satisfied".
11274	9416	4 & ff	"combine" should be "combines"
11275	"	9	Place period after last word "matters". Begin new sentence with "Since" in line 10
11276	"	10	Place period after "Frankfurt" and begin new sentence with "The A.O." Change "was used" to "was to be used".
11277	"	12-13	Place period after "WIPO". Change next words "was incorporated." to read "You said the A.O."
11278	"	24	Change second word "Farben" to "the A.O."
11279	"	27	Place comma after "WIPO". Delete comma after "director".
11280	9417	4	"in 1937" should be "to 1937".
11281	"	5	Change period to comma after "increased". Continue sentence with "as we". Also change comma to period after "Austria". Begin new sentence with "We did" in line 6.
11282	"	16	"Now we could decamoufl" should be "Now we all must decamouflage".
11283	"	18	Delete "us" after "was up to".
11284	"	19	"O.A." should be "A.O."
11285	9419	6	Place comma after "Gretel".
11286	"	14	"Wom!" should be "VOWI,".
11287	9420	10	Change "a friend of my father's," to read "a fatherly friend,".
11288	"	18	Insert "and in the Foreign Office," after "Economics".
11289	"	22	"Exhibit 581," should be "Exhibit 851,".
11290	9421	1	Change second word "my" to "their".
11291	"	3	"that report" should be "his report".
11292	"	5	Delete "as" before "my associates".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
11293	9421	6	"Womi" should be "VOWI".
11294	"	20	"Exhibit 767" should be "Exhibit 776".
11295	"	32	Insert "promotion of" before first word "export".
11296	9422	2	Insert "Committee" after first word "Asia".
11297	9423	16	Insert "and so" before "I asked my".
11298	9424	14	Change "as I did" to "than".
11299	"	17	"A proper" should be "In a proper".
11300	9425	19	"South States." should be "South America."
11301	9426	8	As above.
11302	"	20	Delete "von" before last word "Cannon".
11303	"	26	Add "789" after "779, 791," at end of line.
11304	"	27	Change first number "798" to "799".
11305	9427	1	Place period after "contributions". Begin new sentence with "But".
11306	"	2	Change comma to period after "exporter". Begin new sentence with "Noblesse".
11307	"	4	Change "always" to "officially".
11308	"	15	Change "archeological" to "charity".
11309	"	23	"with the Zav" should be "with a".
11310	"	28	"the die stuff, sale of dies." should be "the dyestuff palette, sale of dyestuffs."
11311	"	29	Insert "a" before second word "powder".
11312	"	30	Insert "a" before last word "nitrogen".
11313	9428	9	Insert "activity of" before "national".
11314	"	10	Delete "competence, business".
11315	"	16	Insert "in smaller circles." after "New York".
11316	9429	2	"and these" should be "which".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
11317	9429	3	"had made" should be "had had".
11318	"	12	Insert "it" after "found".
11319	"	16	"Exhibit 91," should be "Exhibit 791,".
11320	"	28	Delete "were" before "classics,".
11321	9430	21-22	Complete paragraph ending in line 21 with line 22, changed to read "There was some National Socialist literature among them."
11322	"	23	Change line 23 to read "Q. Yes, you are right. But as to the shipments to the non National-Socialist agencies, there I found out".
11323	"	24-25	"non existent. That at least was" should be "non existent, at least for".
11324	9430	to 30	Change "where second-hand books were to be found only there." To read "where books printed in antiqua were available -- in Latin America only books printed in antiqua are usable."
11325	9431	1	
11326	9434	9	Change line 9 to read "immediately after the commencement of hostilities, that is, two months earlier, was not sent".
11327	"	11	Change "incriminating" to "troublesome".
11328	"	24	"management of companies" should be "management of the light metal field".
11329	9436	7	Delete "and" after "signed".
11330	"	8	Change "Trade Plenipotentiary" to "commercial agent".
11331	"	14	Insert "who" before "had been" at beginning of line.
11332	"	15	Change period to comma after "Farben". Delete next word "They".
11333	"	19-20	Place period after "project". Delete "and were friends for many years."
11334	"	22	Change "without." to "away with."

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
11335	9436	28	Change "expanded" to "constructed".
11336	"	29	"to expand" should be "to construct."
11337	9437	30	Change "was designated 'Norsk-Hydro'" to read "mentioned Norsk Hydro by name".
11338	9438	13	Delete third word "was". "that may form" should be "that would form".
11339	"	25	"DAF" should be "DAG".
11340	9439	1	"Verein Prag" should be "Prager Verein".
11341	"	18	First word "between" should be "on".
11342	9440	11	Insert "a file-note for Dr. Krueger concerning the Polish dyestuffs factories. I have two" after "This is".
11343	"	12	Delete "you mentioned,".
11344	"	14-20	"plant." should be "plants."
11345	"	26	Change "coal" to "Poland".
11346	9442	5	Change "time I was ever alone" to "conversation I ever had".
11347	"	14	Change "Carlo Ferrario;" to "de Laboro;".
11348	9443	7	Change "to obtain an advance" to read "to obtain a small increase".
11349	"	11	Change "Supervisory Board," to "Aufsichtsrat,".
11350	"	26	"had" should be "has" after "plan".
11351	9444	3	Last word "matters" should be "difficulties".
11352	"	26	Change "to store" to read "to work on".
11353	9445	21	Change line 21 to read "was never executed. In the Teutschenthal plant later magnesium lye was worked from potassium chloride wastes".
11354	9446	3	Change "transmit these" to read "transmit this copy".
11355	"	23	Change "concerning" to "of the partners of".

Item No.	Transcript Page	Line (s)	PROPOSED CORRECTION
11356	9446	31	Change comma to dash after "Neuhausen". Also place dash after "company".
11357	9447	17	"necessary or an" should be "necessary for the".
11358	"	26	"in the month" should be "in the north".
11359	"	26	"assumed." should be "assured."
11360	9449	16	Change period to comma after "happened". Also change next words "I may add that as opposed" to read "namely, contrary".
11361	"	18	Change period to comma after "(them) selves". Next words "I said" should be "I have explained".
11362	"	26	Last words "of not?" should be "or not?"
11363	9450	24	"it becomes" should be "It became".
11364	"	25	"we have" should be "we had".
11365	"	28	Insert "for" before "tractors".
11366	9451	14	Insert "was" after "theoretically,".
11367	"	25	Insert "which" after "Frankfurt".
11368	9452	1	Change "say that" to "question".
11369	"	2	"it was subject" should be "they will be subject".
11370	9453	12	Place quotation marks before "Well,".
11371	"	17	Place dash after last word "office".
11372	"	24-25	Change "after the beginning of the war you were" to read "subsequently you became".
11373	9454	12	Delete "exceptionally".
11374	"	13	Insert "exceptionally" after "permitted".
11375	9455	6	"a routine," should be "the routine,".
11376	9456	9	"documents are" should be "documents were".
11377	9457	18	Change "spotted into" to read "present in".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
11378	9458	3	Insert "where" after "In other words,".
11379	9461	30	"precedence in the future to commit" should be "precedent in the future to which to commit".
11380	9462	11	Change period to comma after "documents".
11381	9464	29	Delete "the," after "troubles,".
11382	9465	6	Delete comma and "of" before "liaison men,".
11383	"	12	Change line 12 to read "A. You mean the Zefi Confidential Agents. Under".
11384	"	23	Change "Austria's annexation" to read "the Anschluss of Austria".
11385	9466	2	Change semi-colon to comma after "appointed". "your assistants" should be "their assistants".
11386	"	14-15	Change from "and not Farben" in line 14 through line 15 to read "and not Zefi confidential agents because otherwise the other sales representatives would have felt themselves slighted with justifiable jealousy."
11387	9467	2	Place semi-colon after "time". Change "the Farben liaison men" to read "the Farben liaison man was a salesman; he".
11388	"	6	"said esman," should be "salesman,".
11389	"	12-13	Change from "NW 7" in line 12 through line 13 to read "NW 7 as far as this function was concerned. This was the smaller part at that time. But the assistants exclusively".
11390	"	20	Add "were" after "The men".
11391	"	27	Insert "because" after "resignation".
11392	"	31	Place period after "left" Begin new sentence with "Previously".
11393	9468	7	"In every of these" should be "In everyone of these".
11394	"	17	Place comma after "exist".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
11395	9469	17	First word "your" should be "its".
11396	9470	11	"Duerfeld," should be "Doerfler,".
11397	"	28-29	"transferred;" should be "divided;". Change "to which agency." to read "anything about it."
11398	9473	12	Third word "drive" should be "trip".
11399	"	13	First word "Now" should be "Then".
11400	"	19	Change "this drive" to "this trip".
11401	9474	22-23	Change "The clause of the most favored country" to read "The privilege clause".
11402	"	27	Place comma after "agents". Delete next words "by Farben".
11403	9477	16	Change "In 1934, the industrial drive" to read "The meeting of 1934 was a continuation of the trip".
11404	"	17	Delete "was continued".
11405	"	21	"drive" should be "trip".
11406	9478	2	Change "argument." to "dissension."
11407	"	17	Place quotation marks before "we must get".
11408	"	19	Place quotation marks after "this."
11409	"	22	Place period after "language". Delete next words "to state".
11410	"	23	Insert "In Chemistry there is a "before first word "certain".
11411	9479	12	"Petrofilla" should be "Petrofina".
11412	"	19	Change period to comma and insert "and de Groot from the Amsterdam Bank." after "Grandish Bank".
11413	"	21	Change "known, Internationally recognized" to read "known professor for International Law,".
11414	"	28	Change line 28 to read "and the letters of thanks which exceeded conventional politeness show that end,".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
11415	9480	12	Insert "of" after "following".
11416	"	17	Change comma to period after "documents". Begin new sentence with "The fact".
11417	"	23	"Book 40" should be "Book 44".
11418	9481	5	Delete "Farben had".
11419	9482 & ff. 7 & ff.		"Chemnico" should be "Chemnyco".
11420	9483	3	"I am not" should be "I was not".
11421	"	9-10	Change "for the organization of" to read "concerning the significance of".
11422	"	15-16	Change "one didn't want to expend it for an exchange for " to read "one couldn't expend it for".
11423	"	17	Change period to dash after "to prove".
11424	"	18	Change period to dash after "negotiations". Continue sentence with "we had".
11425	"	19	"would be" should be "was".
11426	"	23	"if Farben" should be "since Farben".
11427	9484	9	"VOMI," should be "VOWI".
11428	9485	7	"VOMI" should be "VOWI".
11429	9487	22	Insert "from the German Institute for Business Research" after "Wagemann".
11430	9488	4	"Brathenau." should be "Rathenau."
11431	"	6	Insert "Wissel who was" after "Minister".
11432	"	8	Delete semi-colon and insert "in modern Germany," after "economy".
11433	"	17	Change "commercial payments," to "payment balances,".
11434	"	25-26	"to mean whether or not" should be "to mean not whether".
11435	"	26	"or whether" should be "but whether".
11436	9489	24	Change "The principle was a mutual" to read as follows: -74-

Item No.	Transcript Page	Line (s)	PROPOSED CORRECTION
11437	9489 (cont.)	24	The principle again was "do ut des", a mutual
11438	9490	2	"VOMI" should be "VOWI".
11439	"	16	Change comma to period after "founded". Delete next words "the way it developed."
11440	"	17	Change period to comma after "Ritter". Next word "He" should be "who".
11441	9491	22	Change line 22 to read "calendars, such small calendars, as we had in our department."
11442	9493	4	Insert "For" before first word "hundreds".
11443	"	5	Change "only" to "including".
11444	"	8	Delete "DR. NATH:"
11445	"	9	Insert "Dr. Nath," after "dispositions,".
11446	"	14-15	Change "soft coal for derivatives," to read "brown coal derivatives,".
11447	"	21	Delete "Pilsudski".
11448	"	27	Insert "and Adjutant" after "Captain". Place period after "Bockelberg" and delete last words "and adjutant."
11449	"	28	"the Ordnance Offices." should be "the Army Ordnance Officer."
11450	"	29	Change "he was the man who" to read "his Excellency Bockelberg".
11451	"	30	Delete "Excellency Bockelberg."
11452	9495	7	Change "as follows: Why" to read "the reasons for founding of".
11453	"	8	Place period after "Vienna". Delete next words "was founded."
11454	"	15	Change line 15 to read "the Chemicals Sales Company Donau, GmbH, the Donau Chemie,".
11455	"	23	Delete "has" after "Reithinger".
11456	9496	11	Delete last word "present".

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Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
11457	9496	13	Delete "VOWI, or of the".
11458	"	26	Delete second word "of".
11459	9498	23	Change last words "and that" to read "the Economic Department".
11460	"	24	"Those were" should be "This was".
11461	"	25	Delete "friendly".
11462	9499	29	Insert "when" after "1934,".
11463	9500	18-19	"in Berlin NW 6 this" should be "Berlin NW 7, and this".
11464	"	30	"Officers" should be "Officer".
11465	"	31	Change "in respect of" to read "the relationship of".
11466	9501	1-2	"mentioned to Professor Selck but" should be "mentioned, under Professor Selck. But".
11467	9502	2-3	Change "the record" to read "the Mail Meeting Minutes".
11468	"	17	Delete "maintained" before "Legal". "Finance Department" should be "Finance Ministry".
11469	"	18	"Justice Department" should be "Justice Ministry". "VOWI" should be "VOWI".
11470	"	19	Insert "as" before "has already".
11471	"	21	Delete "to" before "the Reich".
11472	"	23	"clear." should be "short".
11473	"	25	Insert "the" before "jurisdiction".
11474	9503	6	Change semi-colon to comma after "WIPO". Next words "there were even" should be "exactly".
11475	"	7	Delete "even" before "thirty".
11476	"	17	Insert "in" after "mistake here,".
11477	"	25	"trico" should be "tries".

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Item No.	Transcript Page	Line (s)	PROPOSED CORRECTION
11478	9504	2	Last words "to a" should be "from a".
11479	"	7	Place comma after "NW 7".
11480	"	14	Insert "it was the" after "Originally".
11481	"	25	Place comma after last word "experiences".
11482	9505	7	Delete "alone".
11483	"	19	"Chenycio, VOMI" should be "Chenmyco, VOWI,".
11484	"	21	"furnishing" should be "procurement".
11485	9506	10	Last word "time." should be "him."
11486	"	20	Change last word "got" to "had to go".
11487	"	21	"July, needs" should be "July affair, needed".
11488	"	22	"outside of" should be "aside from".
11489	9507	15	"Dupon reports;" should be "The Dupont report,".
11490	"	17	Delete "which these gentlemen".
11491	9508	22	"office" should be "officer".
11492	9510	7	"to correct you." should be "to correct something."
11493	"	25	"Mr. Blocherr" should be "Mr. Bloch or".
11494	9511	5	"N.W.J." should be "NW 7".
11495	9514	5	"Folke," should be "Focke,".
11496	9515	7	Insert "the Carl" before "Schurz".
11497	"	24	"MET" should be "Met".
11498	9518	7	"subsequently" should be "subsequent".
11499	9520	10	Delete "to have said something".
11500	"	17	"was heed" should be "was heading".
11501	"	27	Place period after "hanged". Begin new sentence with "In".

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Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
11502	9520	28	Change period to comma after "1939", "has aiming" should be "was aiming".
11503	"	31	"though many" should be "thought many".
11504	"	32	"from them" should be "for them".
11505	9521	6	Change comma to dash after "Dietrich". Insert "- we placed him at the disposal of the MWT (Central European Economic Conference)." after "all three of us".
11506	"	21	Change first word "experiments" to "inquiry".
11507	"	25	"explored to" should be "exported to".
11508	9522	20	Change comma to dash after "exports".
11509	"	22	Change comma to dash after "world".
11510	9523	8	"sould and" should be "sound and".
11511	"	12	Change period to semi-colon after "134". Insert "still" before next word "later". Change dash to semi-colon after "Helmerding".
11512	"	13	Delete "gave me the tast for this,".
11513	9524	1	Insert "economic" after "private".
11514	"	6	"your Dr. Ilgner," should be "you, Dr. Ilgner,".
11515	"	16	Place period after "affidavit".
11516	"	23	Change "the delegional leader" to "the Landesgruppenleiter".
11517	9525	9	Insert "since" before "1931,".
11518	"	14	Change "the OWM, committees meeting" to "the Reich Economics Ministry".
11519	"	26	"unworthy selling out" should be "unworthy plants-selling-out".
11520	9526	4	Delete first word "they".
11521	"	22	Place comma after "that is".
11522	"	23	Place comma after "living". Also after "that is".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
11523	9527	10-11	Change from "Rumania," in line 10 through "Rumania" in line 11 to read "Rumania, how one had to consider the special feeling for nationalization in countries. In the companies which we founded in Rumania".
11524	9528	3	Change comma to period after "Farben". Begin new sentence with "Compared".
11525	9528	12	"which is so" should be "which was so".
11526	9529	27	Place semi-colon after "quotes".
11527	"	31	Change period to dash after "1040".
11528	"	32	Change period to dash after "exhibit".
11529	9530	1	Second word "Chemistry" should be "Chemie,".
11530	"	5	Place quotation marks after "finished."
11531	"	9	Add "Jost" after last word "by".
11532	"	18	"In what" should be "Not what". Place period after "writes". Begin new sentence with next word "If".
11533	"	22	Change "The basic plan for organizing" to read "The basis of the organization principle of".
11534	9531	3	Second word "in" should be "on".
11535	"	7	Place comma after "Vienna".
11536	"	8	"in the Jewish question" should be "on the Jewish question".
11537	"	12	"By Mr. Haefliger to the office" should be "signed by Mr. Haefliger and Dr. Krueger to the office".
11538	"	20	Delete comma after second word "have". Also delete following words "it is true,".
11539	9532	31	Change "we sought greater reserves" to read "we saw great reserves".
11540	9533	10	Insert "to Anilin Chemie." after "possession".
11541	"	11	Change line 11 to read "The Anilin Chemie, Dr. Nath, is a Farben organization, which means in plain".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
11542	9533	25	"to Mr. Johan" should be "for Mr. Johan".
11543	9534	9	"end in any other way" should be "or in some way".
11544	9535	12	Change first word "contract" to "contact".
11545	"	25	Place comma after "one time".
11546	9537	1	Change last word Chemistry, " to "Chemie, ".
11547	"	2	"a part from" should be "besides".
11548	"	10	"that the Skoda" should be "that is, the Skoda".
11549	"	30	"now before as," should be "now as before,".
11550	9539	2	Insert "was" after "Anschluss".
11551	"	9	Change period to comma after "deteriorated". Continue sentence with "the Austrian" in line 10.
11552	"	19	Change "namely, because" to read "and that was because".
11553	"	29	First word "Was" should be "Had".
11554	9540	9	Delete third word "but".
11555	"	11	Delete "be" before "so that".
11556	"	22	"our plants." should be "our plans."
11557	"	28	"with Witzler" should be "Works Wetzlar".
11558	9541	15	Change "Reich German authority" to "Austrian authority".
11559	"	16	Insert "That is Prosecution Exhibit 1071, And Farben made one to the competent Reich authorities." after "competent for it."
11560	"	21	Change period to comma after "yourself". Continue sentence with "in other".
11561	"	23	Place period after "Transportation". Begin new sentence with "That evidently".
11562	"	28	Insert "of" after "transfer".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
11563	9543	27	Insert "of the Vorstand" after "full member".
11564	"	28	"who as already" should be "who has already".
11565	"	29	Insert "and who" before "conducted".
11566	9544	1	Change period to comma after "settled".
11567	"	14	Insert "as" before "I already".
11568	"	15	Change period to comma after "respect".
11569	"	16	Insert "We were controlled by NS Commissars." after "NS authorities."
11570	9545	9	Change "designed" to "designated".
11571	9547	27-28	"I was ordered, to do that" should be "I was commissioned for this matter".
11572	9548	6	Place quotation marks after "infamous".
11573	"	7	Delete quotation marks after "question."
11574	9550	14-15	Change entire line 14 through "were expanded" in line 15 to read "Bosna Jajce, and Ipari in Hungary, the Nitramonia Prima Societata in Roumania, were expanded".
11575	9551	13	Change "The claim" to read "This contention".
11576	"	20	Insert "and a friend of Paul Mueller of DAG Troisdorf." after "seventy years old".
11577	9552	16	Change "Reichsmarks" to "crowns".
11578	"	17	Insert "each" after "2.25 million".
11579	9553	12	Change line 12 to read "repeatedly. But Mr. Philipp was both a banker and".
11580	"	26	"the A.G. Dynamit" should be "the D.A.G. Dynamit".
11581	9555 & ff 27&ff		"Heiden" should be "von Heyden".
11582	9556	10	"I am competent" should be "I was competent".
11583	9557	22	"the Zirno Bank," should be "the Zivnostenska Bank,".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
11584	9557	30	"Robano Voanjas." should be "Robbanyo."
11585	9559	20	"this is a new" should be "that there was a new".
11586	9560	23	"Book 68," should be "Book 63,".
11587	9561	26	Insert "the Eastern companies" after "returning".
11588	9563	12	Place quotation marks after "Dagussa,".
11589	"	13	Delete quotation marks after "Frankfurt on the Main" and place them before next word "as".
11590	"	13-14	"administration." should be "administrator." Delete quotation marks before next word "Farben".
11591	"	25	"Dr. Bierlichs" should be "Dr. Gierlichs".
11592	9564	8	Delete "same" before "Chemistry".
11593	"	14	Delete second word "of".
11594	9565	8	Delete last word "had".
11595	"	18	Place period after "responsibility" and delete next words "they were."
11596	9567	24	Place comma after "NW 7".
11597	9571	28	"Document NI-67100," should be "Document NI-6700,".
11598	9572	15	"I have pointed that out, that was" should be "I pointed that out, it was".
11599	"	16	"and believe" should be "and belief".
11600	"	18	"made to be" should be "made to no".
11601	9573	22	Place period after "from me". Begin new sentence with "In Nuernberg,".
11602	9574	10	Place period after "Committee".. Begin new sentence with "These" in line 11.
11603	"	14	Insert "and" after "individuals".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
11604	9576	12	Place comma and insert "and" after "stockholder meetings".
11605	"	26	Delete "and quote,".
11606	9577	9	Delete "A" at beginning of line. Line 9 is the continuation of Question and should follow after "documents." in line 8.
11607	"	11	Delete "Q" at beginning of line. This line still continues the Question and should follow after "now." in line 10.
11608	"	13	Insert "the period from" after "I skip".
11609	9580	13	"In 1941" should be "In 1943".
11610	9581&ff	1 &ff	"Nordisk-Hydro" should be "Norsk-Hydro".
11611	"	29	"this Frenchman" should be "the Frenchmen,".
11612	9582	11	"Nordisk Lettmetall," should be "Hansa Leichtmetall,".
11613	"	13	"in this was," should be "in this way,".
11614	"	19	Place comma after "how many".
11615	"	23	Insert "Stockholm," after "in Oslo,".
11616	"	24	Delete "when" after "later on".
11617	"	31	"he went" should be "we went".
11618	9589	1	"And were you" should be "And are you".
11619	"	9-10	Change from "conditions" in line 9 through line 10 to read "conditions for the three weeks I was there; after that I was taken to Auschwitz."
11620	9591&ff	8&ff	"displaced person" or "displaced persons" should be "deportee" or "deportees".
11621	9595	30	"and they had not been" should be "who had not yet been".
11622	9596	10	"this life" should be "this line".
11623	"	19	Change "purely" to "fairly".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
11624	9596	25-26	Delete "assuming that we are completely -(mike out off)-".
11625	9598	16	"which has served" should be "was a man who served".
11626	9598	17	Insert "who" before "could give".
11627	"	18	Delete "and" before "according".
11628	"	22	Change "to the number which entered the camp," to read "to their information,".
11629	"	24	Insert "of the total transport," after "women".
11630	"	25	Change "by a special favor," to read "under special circumstances, and we were".
11631	9602	9	Change period to comma after "started". Last word "on" should be "at".
11632	9603	3-7	Delete "on" after "earlier".
11633	"	21-22	"they ask" should be "he asked".
11634	"	23,24	Change "And then the third part. They want to ask him." to read "And then comes the third part of the question."
11635	9604	10	"to advise a patient" should be "to take care of a patient".
11636	9605	6	Change question mark to period after "answer".
11637	"	23	Delete "then".
11638	9606	23	"was for several times found with" should be "several times found myself with".
11639	"	27	Last words "who, of" should be "But".
11640	"	30	Change question mark to period after "epidemic".
11641	9607	2	"what he knows" should be "whether he knows".
11642	"	15	Change "those bodies" to read "in the case of the large numbers,".
11643	9608	7-8	Change "one particularly tried to show them" to read "was shown to them was". Also insert "e" after "in German,".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
11644	9609	16	"one admitted them" should be "they were admitted".
11645	9611	25	"Did you" should be "Were you".
11646	"	26	"even" should be "ever".
11647	9613	11-12	Change from "and it" in line 11 through line 12 to read "and it will be impossible later after further cross-examination. Then I will not be able to get anything to eat."
11648	9614	15	"at the time" should be "on time."
11649	9616	7	"did you heard" should be "did you hear".
11650	9617	Pagination	Pagination of page numbered 9617 beginning "Mr. MINSKOFF: There is no" should be corrected to 9616 A.
11651	9616-A	10	Place period after "cross-examination".
11652	"	25	Change "they had to consider quite clearly" to "they considered it quite clear".
11653	9618	Pagination	Pagination of page numbered 9618 beginning "me that in 1939" should be corrected 9616 B.
11654	9616-B	1	"and the card came" should be "when the case came".
11655	"	2	Delete "and" after "Leipzig". "had been acquitted" should be "were acquitted".
11656	"	3	Place period after "evidence" and delete next words "against him."
11657	9618&ff	7&ff	"Wollenberg" should be "Wallenberg".
11658	9618	10	Change "investment" to "increase".
11659	"	11	"53 per cent" should be "43 per cent".
11660	"	20	Change period to comma after "not". Change "But" to "because".
11661	9619	14	"17 held 25" should be "we held 25". Insert "since 1927." after "firm".
11662	"	18	"that was" should be "that is,".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
11663	9620	14	"to Paris" should be "in Paris".
11664	"	22	Change "but for our side," to "besides for our side,".
11665	"	26	Delete "as" before "Exhibit 1024,".
11666	9621	3	Place quotation marks before and after "that the Viag,". Also place quotation marks before last word "with".
11667	"	4	Place quotation marks after "Economics,".
11668	"	5	Place quotation marks before "through".
11669	"	6	Place quotation marks after "Norsk-Hydro,".
11670	"	19	Place period after "interests". Next word "of" should be "If".
11671	"	20	Change period to comma after "Norsk-Hydro". Continue sentence with "it would".
11672	9622	6	"Norwegian krononen" should be "Norwegian kronen".
11673	"	14	Delete comma after "1941".
11674	"	20-25	"106 million" should be "160 million".
11675	"	24	"with magnesium" should be "of a magnesium".
11676	9624	15	Insert "not" after first word "percent".
11677	9625	2	"their right" should be "their stock rights".
11678	"	19	Change line 19 to read "would have happened in the normal course of business."
11679	9626	7	"translation" should be "transaction".
11680	"	14	"I have nothing" should be "I had nothing".
11681	"	15	Change "means by this," to read "means by fictitious consideration,".
11682	9627	7	Place period after first word "(Nor)wegians". Begin new sentence with "They are".
11683	"	25	"thus would endanger" should be "this would endanger".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
11684	9626	5	Change period to comma after "Terboven". Also change following words "He was arrested by Reich Commissar Terboven" to read "because".
11685	"	10	"prisoner." should be "prisoners".
11686	"	23	"all the war" should be "the whole war".
11687	9630	4	Insert "Committee" after "Southeast Europe".
11688	9631	9	Insert "(WIPO)" after "Department".
11689	"	27	"WIMP?" should be "WIPO?".
11690	9633	22	Insert "your affidavit," before last word "Exhibit".
11691	"	23	Delete "of your affidavit".
11692	9635	2	Second word "from" should be "for".
11693	"	15	"to report" should be "a report".
11694	9636	5	"to Yugoslavia." should be "for Yugoslavia."
11695	"	27	Change "to take on" to "to accept".
11696	9637	8	"so that" should be "and that".
11697	"	11	Insert "at that time" after "Economics".
11698	"	12	"as military service." should be "on compulsory service."
11700	9638	4	"salon" should be "sales".
11701	"	17	Change "Fuelep Weiss and another man," to read "Philip Weiss and the other gentlemen, Philipp and".
11702	"	20	Change "and take over" to read "and also".
11703	"	21	Insert "able" after "we needed".
11704	9639	3	"Fuelep Weiss" should be "Philip Weiss".
11705	"	13-14	Change from "achievements" in line 13 through line 14 to read "achievements and their usefulness. Pressburg went through a very fine development, technical industrialization, and also the subsidiaries, for which Gattineau and Meyer were responsible."

Item No.	Transcript Page	Line (s)	PROPOSED CORRECTION
11706	9641	26	"Helfelt" should be "Helfert".
11707	"	28	Insert "the" before "Oil-Sparte."
11708	9642	12	"he was an official," should be "he was a government official,".
11709	"	19	"drafted from civilian" should be "drafted for military and civilian".
11710	"	31	"Ministries," should be "Ministry."
11711	9643	1-2	Delete "I have a few more questions for clarification."
11712	9644	2	Insert "Exhibit 2000," after "NL-3972,".
11713	9645	6	Insert "of the Dredner Bank with the Banque de Paris" after "this action".
11714	"	11	Insert "into the Nitrogen sector" after "Viag". Place comma after "prevented" and delete next words "by the nitrogene sector,".
11715	"	15	Change entire line 15 to read "on his position as the president of the La Cia, and".
11716	"	16-17	Delete "had" after "Viag". Change "it should now cause them to" to read "it would".
11717	"	21	Insert "acquired by the Dredner Bank" after "these shares".
11718	"	26	Last word "trial." should be "time."
11719	"	32	Change period to comma after "of course" and complete sentence with "we were something like a body guard for Norak-Hydro."
11720	9648	13	"May 8, 194," should be "May 8 1941,".
11721	9649	17	Place quotation marks after "not."
11722	9651	7	"How much, but not enough." should be "how many, but enough."
11723	9653	1	Delete "refused" after "that you".
11724	"	2	Insert "refused" after "office,".
11725	"	10	Place quotation marks after "fair."

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
11726	9654	18	Place comma after "collaboration". "what we understood that" should be "as we understood,".
11727	9657	3	Insert "that" after "not true". Change last word "voted," to read "with voting power,".
11728	"	22-23	Change "have posted or might have posted him about it." to read "or should not have kept the French posted about."
11729	9658	20	Change "to you" to "to the defendant".
11730	9659	2	Last word "a" should be "no".
11731	"	3	Place comma after "Korak Hydro" and delete next words "in 1941".
11732	"	14	"Krones," should be "Kronen," (twice).
11733	"	19	Insert "correctly," after "this question".
11734	"	22	Insert "was" after "report which".
11735	"	30	"that his" should be "that this".
11736	9660	10-11	Change lines 10 & 11 to read said in his affidavit that "we (the Creditanstalt) never wanted to separate ourselves from the participation" and that is not true".
11737	9661	19-20	Change "Mr. President," to "Mr. Defendant,".
11738	9662	17	Insert "about" before "this letter".
11739	"	18	Change comma to semi-colon after "quite right".
11740	9663	2	Place period after "clearly". Begin new sentence with "Because".
11741	"	3	Change period to comma after "the Jews".
11742	"	5	"relations" should be "relation".
11743	"	9-10	Change from "Creditanstalt" in line 9 through line 10 to read "Creditanstalt. There was an exchange, one man of the Creditanstalt came to us and I went to their Aufsich(terat)".
11744	9665	23	Change "He did" to "Dr. Zinsser did".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
11745	9665	29	Change "incorporated" to "founded".
11746	"	30	Change "artificial fiber" to "cellulose wool".
11747	"	31	"that this attitude was" should be "that if this wish was".
11748	9666	19	Place semi-colon and insert "all this" after "reaction".
11749	"	25-26	Delete "Numbers 3, 4 and 5 of this letter."
11750	9666	5	Change line 5 to read: "draft", is missing which is in the copy that I just
11751	"	10-11	Change lines 10 & 11 to read: THE PRESIDENT: Our copy shows that. It says "Translator's Note: Handwritten draft."
11752	9669	19	Delete comma after "if at all". Place comma after "anything".
11753	"	26	Change comma to semi-colon after "vacation".
11754	9670	1	"facation," should be "vacation;".
11755	"	7	Insert "and" after "to you,".
11756	"	17	Change last word "Major" to "General".
11757	"	19	"von der Heyde appointed you" should be "von der Heyde was appointed by you".
11758	"	22	Insert "but" after "isn't true,". Place period after "have been true". Begin new sentence with "If I had been".
11759	9671	20	"documents and" should be "documents about".
11760	"	22	Delete "that people are promoted."
11761	"	23	First word "gave" should be "would give".
11762	"	24	Insert "and" after "in my office,".
11763	"	25	Change line 25 to read "say, however, that I took over the office again before the".
11764	9672	11	"his secretary" should be "his secretariate".
11765	"	15	Change "friends of the economists" to "economic experts".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
11766	9672	26	"had made" should be "would make".
11767	"	28	Change comma to semi-colon after "isn't true".
11768	9675	29	"Arier paragraph" should be "Aryan paragraph".
11769	9676	13-14	Delete "to be dependent".
11770	"	19	"to take case" should be "to take care".
11771	"	21	Change period to comma after "a lot of money".
11772	9677	6	Change "this now or this" to "now to this".
11773	"	8	"by question," should be "my question,".
11774	9679	27	Change "was the Foreign Office," to read "the Foreign Office was already in existence."
11775	9680	4-5	Change "we looked after Carl Schurz Association" to read "He thought that the best way to attend to the relations with the Americans who were entrusted to us would be".
11776	9680	31	Change "American Consulate." to "consulates in America."
11777	9681	23	Insert "now becomes clear to me;" after "connection".
11778	9682&ff	1&ff	"Mr. Der Hess" should be "Mr. de Haas".
11779	9685	11	"Not August 1939" should be "August 1937".
11780	"	17-19	Change lines 17 and 18 through "I explained" in line 19 to read "—you know my memorandum on export — that the fluctuation to the lower level should be counteracted — Mr. Goering at that time considered export as superfluous — and I explained".
11781	9688	3	"had been" should be "have been".
11782	"	18	"which is a" should be "that it is a".
11783	9689	25-26	Insert after line 25 and before line 26 "A. I was present at the meeting, that is correct. Yes, I was..."
11784	9691	15	"speak here, in Nurnberg and" should be "speak, here in Nurnberg, and".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
11785	9692	5	"my attention was," should be "my intention was,"
11786	"	6-7	"to an expert" should be "to real experts".
11787	"	26	Place semi-colon after "trouble". Delete next word "but".
11788	"	27	Insert "already" after "we had".
11789	9693	13	Change "Majlowski" to read "Gajewski".
11790	9694	18	"as opposed to the Nazi" should be "in the Nazi".
11791	"	27	Last words "has many" should be "has so many".
11792	9695	1	"that propaganda plans carried out" should be "these propaganda plans that were to be carried out".
11793	"	17	Change first word "clock" to "cloak".
11794	9696	5	"he has not recollection" should be "he has no recollection".
11795	9697	4	Insert "to include" after "to say".
11796	"	13	Delete "of" before last word "having".
11797	"	22	"Let the lady finish" should be "Let the Prosecutor finish".
11798	"	24	Delete "presumably discussed".
11799	9698	15	Third word "stop" should be "start".
11800	"	18	Insert "so that" after "Germany,".
11801	"	19	"to go ahead." should be "could get ahead."
11802	"	22	Place comma after "active part".
11803	"	23	Change semi-colon to comma after "failure". The following words "on account of the inter-political" should be "and in consideration of the inner political".
11804	9698	25	"in order," should be "to order,".
11805	9699	16	Change "then he could still very much likely have said that," to read "it was rather likely".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
11606	9700	17	Delete "and he confronted me with a statement".
11607	"	22	"I now started" should be "I had then started".
11608	"	23	"would corroborate" should be "would have corroborated".
11609	"	24	"I as not told" should be "I was not told".
11610	"	26	Add following line after line 26: THE PRESIDENT: The Tribunal will not rise for its recess.
11611	9701	11	Change "and nevertheless to be reticent" should be "in spite of the possibility of being reticent".
11612	9703	20	"NL-5692-A" should be "NL-6702-A".
11613	"	22	"NL-6670?" should be "NL-6702?"
11614	"	26	"6702" should be "NL-6702".
11615	9706	3	Delete "when" before "you signed".
11616	"	4	Insert "and that" after "evidence,". "signed, or exact" should be "signed are exact".
11617	9709	4	Insert "used" after "documents". "and those which" should be "and of documents which".
11618	"	23	"It may embarrass" should be "It may not embarrass".
11619	9711	25	"In 1923 to 1927" should be "From 1923 to 1927".
11620	"	30	Insert "an organization of the Ruhr area industrialists, and from 1932 to 1939 manager of" after "Association,".
11621	9713	27	Change "Economic" to "Agricultural".
11622	9714	20-21	"nationalisation" should be "nationalistic".
11623	"	25	"were not always of the nature" should be "and who were not always of the caliber".
11624	9715	15	"Group Trade" should be "Group Industry".
11625	"	29	"how Dr. Ilgner's" should be "what Dr. Ilgner's".
11626	9716	15	"groups of the MPO" should be "groups of the MWT".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
11827	9716	17	Delete comma at end of line.
11828	"	18	Delete "with oppositionists".
11829	9718	3	Change second word "their" to "an antinomy".
11830	"	5	Place period after "manager". Begin new sentence with "When I took".
11831	"	6	Change "abandoned" to "stopped".
11832	"	7	Insert "(Editor's note: should be "to study". See page 9719, lines 11-14)".
11833	9719	25	Insert "foundation" after "southeast".
11834	9720	11	"Germany." should be "German industry."
11835	"	24	"is financed" should be "was financed".
11836	9721	12	Delete "of information".
11837	"	27	Third word "what" should be "that". "or rather" should be "I might say,".
11838	9722	20	"unpopulit," should be "unpopular,".
11839	9723	6	Delete comma after last word "then".
11840	"	7	Change line 7 to read "the agronomist, Wenzel Petschenthal was hanged, Rolop von Koebingen and various others were".
11841	9724	2	First word "blunder" should be "plunder".
11842	9725	16	"do you call" should be "do you recall".
11843	"	19	Insert "that" before "anti-Jewish".
11844	"	21	Place comma after "matters".
11845	9726	17	"id he sees" should be "if he sees".
11846	"	22	"in his mind shows." should be "in mind."
11847	"	30	"the other officials" should be "another official".
11848	9727	7	"three firms" should be "free firms".
11849	"	28	"MWC." should be "MWT."
11850	"	30	"it had not." should be "it had none."

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
11851	9730	14	"that if any" should be "whether any".
11852	9731	7	Last word "then" should be "that".
11853	"	30	Insert "the" after "that only".
11854	9732	22	Insert "with a travel order" after "American Zone".
11855	9735	10-12	Change from "discussion" in line 10 through "Reindre," in line 12 to read "discussion between the gentlemen from the Paris bank and Monsieur Jacques Reindre about the practical application of the issuing."
11856	9736	4-5	Change "for the final subscription to be given and" to read "for the end of the subscription and".
11857	9738	5	Delete "equalized and".
11858	"	27	Change "that is to say," to "but".
11859	9740	21	"was channel;" should be "was channeled;".
11860	9741	19	"at first" should be "yet".
11861	"	21	"and taken out of France sometimes," should be "and partly out of France,".
11862	"	22	Change "they were" to "the shareholders were".
11863	"	23	"many shareholders" should be "many of them".
11864	9742	3	"was later occupied;" should be "became occupied;".
11865	"	9	"certain French shareholders" should be "French and foreign shareholders".
11866	"	10	"as their clients, and also certain foreigners," should be "were their clients."
11867	"	12	"foreigners or other" should be "foreigners of other".
11868	"	23	"was circumstances," should be "war circumstances."

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
11869	9745	11	Delete "but" before last word "I".
11870	"	30	"Johann" should be "Johan".
11871	9746	10	Change "permission" to "promise".
11872	"	11	Change "Enterprise," to "Economy,".
11873	"	19	Insert "together with me" before "had been given".
11874	9747	29-32	Change lines 29, 30, 31 & 32 to read "this document, which was an important matter to Dr. Krauch, for information. The document consists of a letter of the Reich Minister of Economics to Farben, attention Mr. Schnitzler, and of the correspondence of the Dresdner Bank, Ministry of Economics and so on. These are negotiations with which I".
11875	9748	4	Insert "of the Dresdner Bank" after "Mr. Zinsser."
11876	"	21	Place quotation marks after "minority."
11877	"	24	Place quotation marks after "at any rate,"
191878	"	31	"we are meant" should be "we were meant".
11879	"	32	"had showed" should be "had shown".
11880	9749	19	Last word "First," should be "Am".
11881	9750	7	"2025." should be "2026."
11882	"	15	Delete "by counsel" as repetition.
11883	"	16	"miald" should be "mislead".
11884	"	20	"misunderstanding" should be "misunderstand".
11885	"	28	Change "It is an affidavit, the sentence" to "It is not an affidavit. The sentence".
11886	"	29	Change period to dash after "read".
11887	9751	10	"colleagues," should be "colleague,".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
11888	9751	17	"Then one" should be "Then even if one".
11889	"	23	Insert "Economy" after "Political."
11890	"	24	"since the 1st" should be since the 31st."
11891	"	25-26	Change "this would be the task in chief" to read "that was only a temporary mission for the time being --".
11892	"	28	Place period after "position". Change "of the Supreme Director." to read "This clarifies the matter."
11893	"	32	Delete last two words "the Carl".
11894	9752	1	Delete first word "Schutz,".
11895	"	6	Delete "For" and begin sentence with "The Cultural".
11896	"	7	"there existed" should be "had".
11897	"	9	Change "to take over" to read "to take care of".
11898	"	10	Delete "that" after "Games,".
11899	"	11	Delete "for themselves".
11900	"	23	Change "where I made" to "for making".
11901	"	27-28	Change "when in the American embassy there was a new member that" to read "that when a new member appeared in the American embassy".
11902	9753	1	Change "where was also" to read "at which".
11903	"	2	Change "present" to "sitting".
11904	9754	19	"June, 1936." should be "January, 1936."
11905	"	24	"were used" should be "were to be used".
11906	9755	24	Insert "that" after "that is". Delete semi-colon after "contrary".
11907	9759	15	Change entire line to read "DR. NATH: Your Honor, the reliability . . ."

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
11908	9760	8	"I now turning" should be "I now turn".
11909	9763	19	"short trust" should be "short thrust".
11910	"	31	Insert "also" after "I told".
11911	9764	6-7	Change "evaluate them the same way as" to read "devalute as was done with".
11912	"	12	Insert "(Mitteleuropäischer Wirtschaftstag)" after "Conference".
11913	9766	5	Change line 5 to read "also of the sale of the rubber production in the United States."
11914	"	11	"Brueckmann." should be "Brueggermann."
11915	9767	10	Insert "were" after "helping them".
11916	"	27-28	Delete "before the war".
11917	"	31-32	Change lines 31 and 32 to read as follows: A. Dr. Gaus — G-A-J-S. Q. Is he still alive? A. Well, I'm not sure. Maybe Westrup is still living — I don't know that. And Professor Wiegand I think is dead.
11918	9768	19-21	Change from "invoices" in line 18 through line 21 to read "invoices which were formerly made out in dollars were then made out in Swiss francs or French francs. So we stepped out of the dollar and we needed about — well, we accomplished that perhaps only in the last months, but the question".
11919	"	22	Last words "will devaluate" should be "will be devaluated".
11920	"	23	"had devaluated." should be "was devaluated."
11921	"	24	Change "an economic currency question," to read "a question of economic policy."

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
11922	9768	28	Second word "the" should be "our",
11923	9769	1	"--especially this," should be "and so on --".
11924	"	7	Insert "Judge Morris wishes" after "information".
11925	"	21	Change "I have in mind desiring" to read "I have had in mind asking for".
11926	"	28	"in mind at" should be "in mind on",
11927	9772	14	Change "an exploiter" to "a profiteer".
11928	"	28	"Many inks." should be "Many thanks."
11929	9773	20	"the potash syndicate," should be "the Potash Syndicate (Kalisyndikat)."
11930	"	27	"He is" should be "He was".
11931	9775	3	"German newspapers," should be "their newspapers,".
11932	"	9	"was made" should be "were made".
11933	"	17	Change "journey home" to "Home Journey".
11934	"	24	Delete "and if it successful,".
11935	"	31	"large industrialists" should be "big industrialists".
11936	"	32	Change "what's the name," to read "what their names were,".
11937	9779	14	Insert "International" before "Chambers".
11938	"	21	"are arranged" should be "were arranged".
11939	"	22	Change "are done better" to read "with experts".
11940	9780	10	Change line 10 to read "Crona de Jonch, and then several".
11941	"	12	Add "altogether." after "persons".
11942	"	15	Place comma after "Kiel Week". Delete next word "and".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
L1943	9730	16	Line 16 should read "Home Journey and the Industrial Trip were carried out".
L1944	"	25	Change "this affair?" to "these meetings?".
L1945	"	31	"the foreigners" should be "the foreign participants".
L1946	9781	17	Delete second word "not".
L1947	9782	10	Insert "of" after first word "is".
L1948	9784	8	Change "DR. DIX" to "DR. HENZE".
L1949	"	16	Change "FRIEDRICH ALBERT," to "ADOLF FRIEDRICH,".
L1950	"	20	First word "Circle" should be "Association".
L1951	"	24	Delete "It was very equanimous."
L1952	9785	1-2	Change from "serve" in line 1 through line 2 to read "serve, the general welfare, the welfare of all countries, and also of world peace."
L1953	"	8	"Circle" should be "Association".
L1954	"	13	Change period to comma after "von Wilmowsky" and insert "the then President of the South East European Economic Council." before last word "I".
L1955	"	16	Add "(Mitteleuropaeischer Wirtschaftstag)" after "Congress".
L1956	9786	5	Insert "as well as 1939" after "1937".
L1957	"	9	Insert "hint" after "vaguest".
L1958	"	17	Change line 17 to read "already that those personalities who were introduced to Dr. Ilgner and to me remembered with pleasure".
L1959	9787	3	First word "That" should be "The".
L1960	"	14	Insert "Geheimrat Schmitz," before first word "Herr".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
11961	9789	7	Change "and" to "after" after "Committee,".
11962	"	19	Change "organization," to "department,".
11963	"	24	Insert "Third:" at beginning of line before "the Legal".
11964	9790	10	"in hand" should be "on hand".
11965	"	12	Change comma to period after "Government". Begin new sentence with "About these".
11966	"	14	Delete "on their own responsibility".
11967	"	18	Insert "Administration," after "Finance".
11968	"	26	Change "Q" to "A".
11969	9791	1	"the credit" should be "credits".
11970	9792	4+5	Delete "Q" before "The manner". This is a continuation of answer beginning in line 4.
11971	"	29	Change "industrialization from NW 7," to read "organization of NW 7:".
11972	9793	8	Place comma after last word "merger".
11973	9793	9	Change "of the original firms Farben had" to read "Farben, through its original firms, had".
11974	"	18	Insert "of" after "increase".
11975	"	19	Insert "which produced such a decrease on world trade and" after "world trade". Also insert "more" before "intensified".
11976	9794	29	Change first word "through" to "I was reminded". Change comma to dash and insert "that" after "Dietrich".
11977	9795	1	Insert "and South America" after "Far East".
11978	"	16-18	Change from "position" in line 16 through line 18 to read "position private economy was in, because private economy really was hated by the Nazis Party because of its political attitude."
11979	9798	19	"in Frankfurt, who" should be "of the Frankfurt Office, who".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
11980	9798	26	Change line 26 to read "Party wanted to transfer the dyestuffs representation of Farben of the".
11981	9799	2	Change "Mr. Homann," to "Mr. von Teermann,".
11982	"	18	--"subsidy" should be "contract",
11983	"	19	"together with Boros" should be "in competition with Bofors".
11984	9800	1	Insert "I have just heard" before "the beginning". Delete "just now" after "statement".
11985	"	28	Last three words should be "We considered it".
11986	"	30	Change "this Fascio House was not extra-territorial," to read "neither the Consulate General nor the Fascio House were extra-territorial,".
11987	9801	24	Delete "not" after "that this is".
11988	9802	3	Delete "in many respects".
11989	"	18	"we wanted" should be "he wanted".
11990	"	21	Insert "I," after "suggestion,".
11991	"	22	Delete "I" before "traveled".
11992	9803	3	"to spare him this" should be "and spared him the".
11993	9803	14	Insert "Administration" after "Finance".
11994	9804	8	"Dr. Jacob's" should be "Dr. Jacobi's".
11995	9805	8	"a risk turn" should be "a risky turn".
11996	"	9	Place comma after "policy". Delete next word "that".
11997	"	12	"this credit large" should be "this large credit".
11998	9806	4	Delete "concerning".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
11999	9806	6	Change period to comma and add "is" after last word "was". Continue sentence with "the so-called" in line 7.
12000	"	9-10	"Kiel Well" should be "Kiel Week".
12001	"	9-10	Delete "and how".
12002	"	23	Change line 22 to read "previously. But — and this was not foreseen by us — because of the very"
12003	"	23	Insert "also" before "developed".
12004	"	27	Change "between" to "with".
12005	9807	2	Change "world business" to "world economy".
12006	"	13	Insert "of" before "ornamentation".
12007	"	15	Insert "and to the then competent Party authorities" after "ministries".
12008	"	16	Change comma to period after "pietsch". Delete "to the competent Party authorities."
12009	"	25	Insert "at least" before "something".
12010	"	26	Delete "if we had them".
12011	9808	3	Change "feared — that is, on" to read "feared was that his".
12012	"	4	Delete "which" after "relentlessness".
12013	9809	12	Delete comma after "1929". "the Chemnico, the Vice-" should be "the American I.G. Chemical Corporation. The Vice-".
12014	9810	27	Last word "of" should be "to".
12015	9813	4	Delete one "with".
12016	"	18	Insert "after" after "abroad".
12017	"	29	"it was know" should be "it was known".
12018	9814	20	Delete "and" after "Vienna".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12019	9815	32	"1931," should be "1933,".
12020	9816	2	Change line 2 to read "later founded in Oslo. Mr. Eriksen and I were directors on the board of".
12021	9817	31	"affect" should be "effect".
12022	9818	15	Insert "where I was waiting" after "road".
12023	"	19	"to affect a" should be "to effect a".
12024	9819	10	"into public eye, Kiel Week." should be "into the public eye, due to the Kiel Week,".
12025	9821	12	First word "It" should be "Is".
12026	9822	1	Transfer entire line 1 to follow line 3, before line 4.
12027	9823	10	Insert "same" after second word "the".
12028	"	11	Place comma after "testimony".
12029	"	12	Change "a" to "the said" after "interrogate".
12030	"	16	"If you case" should be "If you cast".
12031	"	20	First word "letter" should be "last". Delete "then" after "witness are".
12032	"	31	Change "between" to "with".
12033	9828	15	"who know" should be "who knows".
12034	"	20	Place parenthesis after "Leader".
12035	"	27	Delete period at end of line after "14".
12036	"	28	Delete first word "It".
12037	9829	12	Change period to comma at end of line after "subject".
12038	"	19	Last word "It" should be "He".
12039	9830	11	"His Majestic," should be "His Majesty,".
12040	9832	3	"Will be" should be "It will be".

Item No	Transcript Page		PROPOSED CORRECTION
12041	9832	20	"and affidavit" should be "an affidavit".
12042	9833	16	Change comma to period after "proper form". Continue sentence with "the Tribunal".
12043	9834	22	Insert "of" after "charge,".
12044	"	23	Second word "They" should be "It".
12045	9835	6	"draws attention" should be "drew attention".
12046	9836	16	Third word "het" should be "take".
12047	" & ff.	18 & ff.	"VOMI" should be "VOWI".
12048	"	25	"je points" should be "he points". Also "publication" should be "publications".
12049	9837	23	Insert "made by the OKW" after "VOWI".
12050	9838	3	Insert "already" before "an exhibit."
12051	"	15	"economic political department, Berlin NW-7," should be "Economic Political Department of Berlin NW-7,".
12052		17	Insert "the meeting of" before "the Working Committee".
12053	"	19	"subordinate" should be "subordinated".
12054	"	23	"Document 75" should be "Document 47".
12055		30	Change "establishing" to "reporting on the establishment of".
12056	9839	13-14	Change from "In view" in line 13 through 14 to read "Dr. Ilgner was an Aufsichtsrat member of Transocean, but in view of the small participation of Farben in Transocean he".
12057	9839	21-22	Change "political economy department" to read "Economic Research Department and the archives of the Central Finance Administration."
12058	"	28	Change period to comma after first word "(departments)".
12059	"	29	Insert "available" after "papers now".

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Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12060	9841	2	Change "the tasks" to "the organization".
12061	"	14	Insert "first" before "meeting".
12062	"	15	"liaison man" should be "liaison men".
12063	9842	4	Change "activities" to "organization".
12064	"	7	Place period after second word "names". Begin new sentence with "In connection". Delete period after "liaison men", continuing sentence with "the affiant states".
12065	"	17-18	"foreign organizations" should be "the foreign organization".
12066	9844	8	"Ange Kvenilo" should be "Aage Kvenild".
12067	"	24-25	Change "foreign exchange situation," to "Chinese market development,".
12068	"	30	Insert following sentence after "China," in line 30: "Therefore reports which were made from time to time in order to inform Farben dealt also necessarily with these questions,"
12069	9845	1	"forecast" should be "forecast".
12070	"	3	Insert "investments all over the country" before "amounting".
12071	"	10	"Mr. Bjrk" should be "Mr. Birk."
12072	9846	5	Second word "war" should be "raw".
12073	"	21	Line 21 should be "creation of the so-called Mob-Referat of the WIPO and the institution".
12074	9848	5	First word "from" should be "for".
12075	9849	21	"to quote a sentence" should be "to quote briefly".
12076	"	23-24	Change lines 23 and 23 through "I should" in line 24 to read: I quote: "I have never been charged with any espionage activity or work for the OKW, Abwehr, Foreign Office, NSDAP or any other agency, nor did I

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12077	9849 (cont'd)	23-24	: execute any such order. It would have been diametrically opposed to my peace efforts." I should
12078	9850	3	"asked him where" should be "asked him as to".
12079	"	4	Place period after "Piekenbrock". Delete next word "lies."
12080	"	12	"withdraw" should be "withdrew".
12081	"	13	Insert "on" after "matter".
12082	"	16	Change line 16 to read "Ilmer's defense is, as is apparent by these Exhibits, his and NA-7's".
12083	"	30	Change comma to semi-colon after "that point". Change semi-colon to period after "then". Begin new sentence with "Since".
12084	9851	1-7	Change lines 1, 2, 3, 4, 5, 6, & 7 to read "since the defendant's case is not closed and since now there is further documentary evidence on that subject matter, we respectfully call this to your Honors' attention and suggest that, in the light of this and the witness' testimony -- we are not overlooking the witness' testimony on the subject matter, we think your Honors reconsider that ruling and hold that those questions on that subject matter are relevant to the testimony of the witness Frank-Fahle and that the questions and".
12085	9852	3	Insert "proper" after first word "be". "of whether" should be "or whether".
12086	"	9	Place period after last word "possibility".
12087	9853	23	Change period to comma and insert "the" after the AO".
12088	"	31	Last word "individuals" should be "individual".
12089	9854	2	Change "were motivated by business only." to read "was motivated by business interests of Farben only."

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Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12090	9856	6	Change period to comma after "evaluated".
12091	"	13	"1938, 1938, 1939" Should be "1938 and 1939."
12092	9856	6	Second word "was" should be "could be".
12093	9857	19-22	Change from "The assertion" in line 19-20 through line 22 to read "The remarks of the Prosecution, who only have submitted other excerpts from this report, are not complete in so far as the Prosecution even in a document introduced later only submitted parts of excerpts from the report dealing with the beginning of the Kiel Week."
12094	"	24-25	"economy leaders Circle 'Y'" should be "Circle of Economic Leaders".
12095	"	28	"Circle 'P', economy leaders" should be "Circle of Economy Leaders".
12096	"	30	Insert "openly" before "exercised".
12097	9859	6-7	Place period after "service" and delete following words "for many years."
12098	"	13-15	Change from "Dr. Ilgner" in line 13 through first word in line 15 to read: "Dr. Ilgner as one of the strongest opponents of chauvinism was rightly considered as one of the most convinced German representatives of the idea to come to an understanding with the world."
12099	9861	30	Delete "where" after "the book".
12100	9862	22	Insert "meeting of the" before "Working".
12101	9863	5	Insert "Farben and especially by" before "the Export Promotion Department".
12102	9864	17-18	"Economics Department" should be "Political Economy Department".
12103	"	26-27	Change from "Dr. Ilgner" in line 26 through line 27 to read "Dr. Ilgner pleads for a cooperation in the industrialization of those countries which are not, or only slightly, industrialized in order to increase".

Icon No	Transcript Page	Line(s)	PROPOSED CORRECTION
12104	9864	28	"Exhibit 1112." should be "Exhibit 112."
12105	9865	10-11	"The index listed here of the first volume" should be "The index of the first volume listed here".
12106	9868	28	"Central Department" should be "Central Office".
12107	"	2	"all the suggestions" should be "both suggestions". "Central Committee" should be "Central Office".
12108	"	30	Delete "so much" after "Farben".
12109	"	31	"this suggestion" should be "those suggestions". Insert "it" before "was possible".
12110	9869	8	"principles have," should be "principles had,".
12111	9870	6	Insert "clearing" before "debts".
12112	9871	6	Insert "(Mitteleuropaeischer Wirtschaftstag)" after "the MWT".
12113	"	9	Change period to colon after "as follows".
12114	"	10	Change period to comma after "do ut des". Continue sentence with "above all".
12115	9872	2	Change last word "Farben" to "MWT."
12116	"	30	Change first word "that" to "which".
12117	9873	7	Change "attitude" to "employment".
12118	9875	1	First word "(con)firmed" should be "(con)firms".
12119	"	12	Delete "in the Vorstand".
12120	9876	2	Last words "taken into" should be "placed in".
12121	"	26	"Skoda-Wetzler shares," should be "Skoda-Wetzler action,".
12122	9876	28	"Thus he was" should be "He was".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12144	9884	24-25	Change from "Dr. Willibaldo" in line 24 through "the Chemie Ost" in line 25 to read "Dr. Willibald Passarge of the Chemie Ost".
12145	9887	16	Insert "evacuation" after "in his".
12146	9889	13	"39 should" should be "37 should".
12147	9890	8	"In Mainz," should be "In Neuss,".
12148	"	10	Change line 10 to read "A. I am in the sixty-ninth year."
12149	"	15	"series" should be "service".
12150	"	18	"by professional" should be "my professional".
12151	"	23	"Sodamerke," should be "Solvay-Werke".
12152	"	24	Insert "works" after first word "these".
12153	"		Change line 26 to read "there I went to the Chemical Rubber and Celluloid Factory (Chemische Gummi- und Zelluloidfabrik) at Mannheim."
12154	9891	3	Second word "Head" should be "member".
12155	"	21	"10,000 billion" should be "10 billion".
12156	"	23	"82,000" should be "82".
12157	"	26	"high pressure" should be "highest pressure".
12158	9892	1	"nation," should be "republic."
12159	"	3	Insert "moderate" before "program".
12160	9893	20	Delete "and a half" after first word "one". Insert "further" after "You must".
12161	"	22	Change line 22 to read "in Farben's engineering-technics, I had many important tasks also in other technical".
12162	9894	11	Place comma after "Bitterfeld". Change next words "and Aken" to read "for ... in Aken."

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Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12163	9894	12	"to a large extent" should be "to an increasing extent".
12164	"	14	Change "achieved only" to "obtained".
12165	9898	1	"the order of national work" should be "the regulation of national labor".
12166	9899	13-14	Change from "Nazi," in line 13 through 14 to read "Nazi, and being an expert would prevent foolish measures of the Party."
12167	9900	4-5	Change from line 4 through "But that" in line 5 to read "away from me which at that time every leading man in industry got. But th t".
12168	"	8,15,18	"42" should be "72".
12169	"	24-25	"economic chamber of Hess." should be "Economic Chamber of Hesse."
12170	9901	-	Insert "greater" before "advisory".
12171	"	7	Insert "greater advisory council of the" before "Reich Group".
12172	"	17	"it was" should be "it is saying".
12173	"	18	"a meeting of Reich Group" should be "meetings of the Reich Group".
12174	9902	30-32	Change from "connected" in line 30 through "On page 3," in line 32 to read "connected with the office of the head of the Industrial Department and that is why the head of that office was asked to become a member of the advisory counsel of the Reich Group Industry. On page 3,".
12175	9903	10	Delete "was" before "offered".
12176	9904	1	"count with" should be "count on".
12177	9906	1	Insert "who was the foreman of the apprentices' workshop" after "Mr. Brisbois".
12178	"	10	"bosy" should be "boys".
12179	"	27	Delete "Jaehne No." after "Exhibit No."

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Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12180	9907		"bonding". should be "hanging."
12181	9908	5	"NI-75869" should be "NI-5869".
12182	9909	7	"15884" should be "5884".
12183	"	14	Change period to comma after last word "agencies".
12184	"	18	"was the representative" should be "as representative".
12185	"	19	Delete "I" before "was on the front".
12186	"	28-29	Delete as repetition "The training agencies. The technical committee was of my opinion in the whole question."
12187	9910	17	"Pfiat," should be "Veith,".
12188	"	18	Change line 18 to read "and whose removal had always been demanded by the German Labor Front,".
12189	9911	1	Delete first word "that".
12190	"	3	Second word "it" should be "if".
12191	"	15	Change "settlement" to "acetylene".
12192	"	16	"1939" should be "1940".
12193	9912	2	Second word "eighty" should be "180".
12194	"	18	Change "incriminating" to "exonerating".
12195	"	29	"Technical Committee:" should be "TEKO:".
12196	"	32	"million," should be "billion."
12197	9913	2	"million" should be "billion". "Exhibit 172," should be "Exhibit 182,"
12198	"	3	Delete quotation marks before "Application".
12199	"	5	Delete quotation marks after "marks."
12200	"	7,18	"Technical Committee" should be "TEKO".
12201	"	19	"Request" should be "Requests".
12202	"	27	First word "witness" should be "witnesses".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12203	9914	9-10	Change "for instance with chemical plants such as happened at times." to read "which always may happen in chemical plants."
12204	"	12-14	Change from "was done," in line 12 through "wanted it." in line 14 to read "was done, the air raid protection would have had to be handed over to the Reich Group Industry or to the Air Ministry as this Ministry had always wanted."
12205	"	19	Change "so-called suburb" to read "so-called administrative center".
12206	"	28	"Technical Committee" should be "TEKO".
12207	9915	10	Delete "have" before "established".
12208	"	16	"I was glad" should be "I am glad".
12209	"	17	"what we tried" should be "which we tried".
12210	"	23	"would defend against" should be "would be defended against".
12211	9916	10	Change period to comma after "nation" and complete sentence with "a K and L plant."
12212	"	11,14	"plants" should be "plans".
12213	9917	24	Last words "were later" should be "was later".
12214	9919		Change "the Technological Committee Session in 1937" to read "the Technical Management Session of 3 May, 1937".
12215	"	13	Line 13 should read "shows that this increase of shipment was a matter of fertilizer."
12216	"	15-16	Insert "if" before "it took". Place comma after "to ship them". Delete following words "and there were".
12217	"	16	Insert "would be" after "aluminum cars".
12218	9920	18	"smoke quantities" should be "small quantities".

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Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12219	9920	27-28	After line 27 and before line 28 insert "was not an explosive because according to the railroad traffic regulations it".
12220	9922	3-4	Change "produced machinery for the Autogen meta; work that is" to read "produced tools and machinery for Autogen working of metals, that is".
12221	"	11-13	Change from "iron" in line 11 through "caused" in line 13 to read "iron. This connection with the metal industry, because it needed the apparatus of Griesheim, caused".
12222	9923	12,14,17	"container" should be "boiler".
12223	"	31	"300 marks," should be "3000 marks,".
12224	"	22	Last word "questioned" should be "consulted".
12225	9924	29	Insert "men;" after "business".
12226	"	32	"but" should be "by" after "chemicals,".
12227	9926	19	Insert "about" after "have heard".
12228	9927	13	"an AK Meeting" should be "a KA Meeting".
12229	"	17,27	"Technical Committee," should be "TEKO,".
12230	9928	7	Change line 7 to read "of the former and present business manager of the Main Engineering Office at Hoechst, Mr. Eckardt."
12231	"	11,17,28	"Technical Committee" should be "TEKO".
12232	"	21	"pretended" should be "prevented".
12233	"	30	"Priess" should be "Riess".
12234	9929	2	"there are" should be "there were".
12235	"	.	"does not go" should be "did not go".
12236	"	4	"flee." should be "fled."
12237	"	14	"of drating" should be "or drafting".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12238	9931	1	"Barnhold." should be "Warnhold."
12239	"	8.13,22	"Technical Committee" should be "TEKO".
12240	9932	7	Second word "to" should be "at".
12241	"	23	Change last words "to accept that many" to "for".
12242	9933	7	"one more" should be "once more".
12243	"	18	First word "belief," should be "suggestion."
12244	9935	3	"There is misleading" should be "This is misleading".
12245	"	8	"three is" should be "there is".
12246	9937	16	"of Belgium assembly" should be "of Belgian and French assembly".
12247	"	32	Delete "the prisoners of" at end of line.
12248	9938	1	Delete first word "war;".
12249	"	9	"Mr. De Vrice," should be "Mr. De Vries,".
12250	"	13	Change "purchasing" to "kitchen".
12251	9939	23	Change "the sum in every case," to read "any amount."
12252	"	29	"approach." should be "reproach."
12253	9942	2	Change semi-colon to comma after "furnished room". Also place quotation marks and dash after same word.
12254	"	3	Change period to dash after "39". Place quotation marks before "even", "and gets less" should be "and thus get less".
12255	"	4	Place quotation marks after "food."
12256	"	30-31	Place semi-colon after "professions". Change rest of sentence to read "that was to our best advantage."

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12257	9943	17	Insert "(Editor's Note: correct year is 1943.)" after "1938."
12258	"	21	Insert "that" before "female foreign".
12259	9948	30	"reduced to" should be "reduced by".
12260	9950	22	"the work has" should be "the plant has".
12261	"	30	"95." should be "45."
12262	9953	4	"Number 5." should be "Number 51."
12263	9953	25	"Man of them" should be "Many of them".
12264	9954	27	Place quotation marks after "Ziesbaden".
12265	"	31	Third word "resent" should be "present".
12266	9955	13	"Antwerpen." should be "Antwerp." Last word "found" should be "have".
12267	"	27	Second word "went" should be "came".
12268	9956	11	Place comma after "1945". Delete next words "he worked".
12269	"	12-13	Change from "days" in line 12 through "hours." in line 13 to read "days, he worked in 466 working days 3933 hours."
12270	"	13	"50 minutes" should be "30 minutes".
12271	"	30	"he was been" should be "he had been".
12272	9957	24	Place quotation marks before "On 2 February".
12273	9958	25-26	After line 25 and before line 26 insert "59.8 kilograms. He was weighed again during the consultation hour on 17 March 1944".
12274	"	26	Change "gave him no" to "showed no".
12275	9960	25	Delete "about it" after "I heard".
12276	"	26	Delete comma and "I heard" after "1940".
12277	9961	29	Change "September" to "November".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12278	9962	26	"There a number" should be "There were a number".
12279	9963	3	"noswhere" should be "no where". "not anything" should be "nor anything".
12280	"	15	"interrogating" should be "interrogated".
12281	"	18	Delete "A" at beginning of line.
12282	9964	5	"that talked about gassings of these people." should be "that people talked about gassings there."
12283	"	8	"much a large" should be "such a large".
12284	"	12	Change "found" to "wanted to find".
12285	9965	2	Insert "and" before "after serious".
12286	"	10	"of a Third World War" should be "if a Third World War should"
12287	9966	24	Delete "in the technical field".
12288	9967	10	Change "that person was" to "one was".
12289	9968	5	"the war he was." should be "the way he was."
12290	"	10	"his personally." should be "him personally."
12291	"	16	Insert "and, just as" before "I didn't inform".
12292	9969	18	Change "the American" to "the British".
12293	"	19-20	in Delete "he had been/ Hoechst;". Add "and willingness as at Hoechst." after "openness".
12294	"	24	"the he had" should be "that he had".
12295	9970	2	Change "he had spent" to "he had wasted".
12296	9972	29-30	Delete entirely lines 29 & 30 (Repeated on page 9973).
12297	9973	5	Change "we have introduced these matters," to read "we introduce these interrogations".
12298	9975	1	Delete "latter" before "tabulation".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12299	9975	8	"Barus" should be "Braus".
12300	9977	9	Place quotation marks after "himself."
12301	"	14	Insert "that it is" after "that is".
12302	"	30	"I remember" should be "I remembered".
12303	9978	9	"Technical Committee." should be "TEKO."
12304	9979	8	Last word "now" should be "then".
12305	"	10	"Now they had" should be "Then they had".
12306	9980	5	"at the top" should be "as to the top".
12307	"	15	"But I can say" should be "But I cannot say".
12308	"	25-28	Change from "Here" in line 25 through line 28 to read "But here and there there is an SS-Control. So that they won't go in there where the inmates go when they want to smoke without being disturbed, we put that warning sign about high tension." Place quotation marks after "tension."
12309	9981	13	Last words "it did not," should be "there was not."
12310	"	14-15	"that when cement was being unloaded" should be "as to the unloading of cement".
12311	"	15	"one had a complete" should be "there was a complete".
12312	"	19-21	Change from "The train" in line 19 through line 21 to read: The trains which arrived piled up on each other but the cement did not arrive regularly. It may be that sometimes one said, "Well, the cement car No. so and so is missing. Let us see whether
12313	"	26	Change "to go to" to read "around".
12314	9982	16	"2, 051X." should be "2051."

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12315	9984	13	"but it said" should be "but we were told".
12316	"	15	"is order" should be "in order".
12317	9985	14	Delete first word "of".
12318	"	19	"approve" should be "approved".
12319	9987	18	"by them" should be "by then".
12320	9988	1	"our own" should be "your own".
12321	"	15	Delete "Document" before "Exhibit 55,".
12322	9989	1	"voluntarily" should be "voluntary".
12323	"	5	Insert "German" after "or other".
12324	9991	18	Place Question mark after "The fact".
12325	"	26	Change "Knew" to "Learned".
12326	"	32	"referent" should be "reference".
12327	9994	28	"concerned" should be "concerning".
12328	9996	3	"to many and not being" should be "too many and then not being".
12329	"	14	"by a large number?" should be "by many?".
12330	9998	1	Change "to blame on" to "the fault of".
12331	9999	7	Delete semi-colon after "his father".
12332	"	32	Last words "in the" should be "with the".
12333	10004	4	First word "and" should be "end".
12334	"	12	"as entitled" should be "is entitled".
12335	10005	11	Insert "said, the Prosecution affidavit was obtained in October 1947. Dr. Seidl", after "from what Dr. Seidl".
12336	10007	24	Insert "took" before "place".
12337	10008	7	Delete last two words "its own".
12338	10010	3	"NI-14276," should be "NI-14278,".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12339	10010	18	"it; just" should be "even".
12340	10012	9	Change "I didn't develop an initiative however. It is" to read "I didn't take the initiative however, but it is".
12341	"	30	"NI-14277" should be "NI-14738".
12342	10013	11	Change "power," to "coal,".
12343	"	16	Change "contracts." to "treaties".
12344	"	29-30	Change "action -- for instance, if" to read "action, by that already,"
12345	10014	11	First word "sue" should be "use".
12346	10017	23	"because they had" should be "because they were".
12347	10018	26	Place quotation marks after "something,".
12348	10019	6-7	Delete as repetition "You said that circular letters and reports about these negotiations,".
12349	10020	9	"they were handled" should be "that was handled".
12350	"	10	"what do" should be "what do" should be "what to do".
12351	"	15	"must be" should be "had to be".
12352	10023	19	Last words "to confirm" should be "to confine".
12353	10024	2	Last word "These" should be "Ours".
12354	"	6	"leaned-out" should be "loaned-out".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12355	10030	1	"and 638," should be "and 11638,".
12356	"	2	"2954" should be "2054".
12357	"	13	Insert "Dr. Hirschel," after "You,".
12358	"	20	Last word "Both" should be "Two".
12359	10036	7	Change "exterminator." to "disinfecting technician."
12360	"	8,10	"exterminating" should be "dis- infecting".
12361	10039	13	"who would meet" should be "who would fit".
12362	"	21	Last word "tro" should be "two".
12363	"	24	Place comma after "Losbadon" and delete next words "did that." Place comma after "Dr. Guenther".
12364	10041	5	"given a find" should be "given a fine".
12365	10043	24	Place period after "impossible". Insert "Furthermore, it was their duty to prevent unscrupulous people" before "from coming".
12366	10044	1	"was not" should be "was only".
12367	10045	5	"which you have testified that were" should be "when you have testified that they were".
12368	10047	12	Delete "and these people,".
12369	"	15	Change "storage room for clothing," to read "craftsman's rooms for their clothing,".
12370	10048	26	Insert "will" after "hysteria".
12371	"	27	Second word "out" should be "our".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12372	10048	26	"hos" should be "how" after "question".
12373	10049	19	Place period after "Germany". Begin new sentence with "When all".
12374	"	20	Change period to comma after "fleets". Continue sentence with "when the".
12375	"	21	Change period to dash after "question".
12376	"	23	Change period to dash after "subject". Continue sentence "the government".
12377	"	26	Insert "A." before first words "I must".
12378	10050	13	Insert "in Berlin" after "lecture".
12379	"	14	"we want to" should be "we should".
12380	"	16	Last words are "r. Jachne".
12381	10051	1	Delete "they" before "would have".
12382	"	12	"he was going" should be "he is going".
12383	10052	16	"who was to sit" should be "that whoever sat".
12384	"	24	Change "was supplied" to "reservoirs were set up".
12385	10053	23	Insert "and" after "approaching".
12386	10054	2	"and resort" should be "or resort".
12387	"	5	Delete "No."
12388	"	7	Insert "the" after second word "given".
12389	"	6	Delete "came to me".
12390	"	9	Insert "came to me," before first words "I rejected".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12391	10054	14	Change period to comma and insert "we agreed." after "representative".
12392	"	19	Add "This was handled in this way in almost all cases." as a final sentence to paragraph.
12393	10056	5	Delete "at" after "his house".
12394	"	12-13	Change "I went immediately to the Guardroom because it was" to read "I was in the office of the air raid warden. There had been".
12395	10057	11	Third word "happened" should be "happens".
12396	10058	13	"an files" should be "the files".
12397	10064	7, 8, 9	"manager" should be "leader".
12398	"	16	Place period after "my charge".
12399	"	16	"not of everything" should be "note of everything".
12400	10068	7	"that they had" should be "that it had".
12401	10069	27	Add "Nevertheless, the collars remain fit for use." after "supports".
12402	10070	3	"in 1933." should be "before 1933."
12403	10072	23	Insert "department" after "to the camp".
12404	10073	3-4	Change "were paid by any other office." to read "did not belong to it."
12405	10074	7	Place period after "relevant". Begin new sentence with "For a number".
12406	"	8	Change period to comma after "reasons". Continue sentence with "in any case". Delete "however," after "case,".
12407	10076	31	Insert "of" after "told him".
12408	10077	17	Change "a genuine American" to "an American,".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12409	10077	24	Change comma to dash after "for you now". Insert "setting" after "to waive it without".
12410	"	25	Delete second word "and" and change comma to semi-colon after "care to".
12411	"	26	Change comma to dash after "clearly".
12412	10078	4	"2 and 4" should be "1 to 4".
12413	10079	5	"nine" should be "mind".
12414	"	24	"Spagato," should be "Spalato."
12415	10081	12	Change "a dye stuffs factory of the" to read "then Farbenfabriken vormals".
12416	"	16	Insert "sulphur pyrites," after "for instance,".
12417	10085	10	Second word "They" should be "The".
12418	"	11	Insert "where" after "smokes,".
12419	"	23	Insert "chemistry. Here are produced the so-called heavy chemicals such as sulphuric" after "inorganic".
12420	"	24	Change sodium hydroxide," to "caustic soda solution,".
12421	10086	2	Change "synthetic products," to "plastics,".
12422	10087	18	Insert "away." after "kilometers".
12423	10088	6	Delete comma after "dangerous". Change words "when we noticed that," to read "than we had previously expected,".
12424	"	15	"many-sided" should be "versatile".
12425	"	17	Change "synthetic plants," to "plastics plants,".
12426	10089	2	Delete third word "only".
12427	"	4	Change period to comma after "work". Delete next word "Also".
12428	"	5	Place period after "organizationally".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12429	10089	20	Insert "supervising" after "3,000".
12430	"	29	First word "The" should be "To".
12431	"	30	"Document II, Exhibit II;" should be "Document 11, Exhibit 11,".
12432	10093	7-8	Delete "of work".
12433	10095	12	"TDZ" should be "TDC".
12434	"	14	"Every three months" should be "Every six months".
12435	10096	14	"plants and sales combine" should be "plants and sales combines".
12436	10097	4	"took any influence" should be "had any influence".
12437	"	12	Insert "a" after "leader of".
12438	"	25	"book 15" should be "book 11".
12439	"	29	Change "that" to "as" after "correct".
12440	10098	2	Insert "(Editor's note: See page 10099, line 3)." after "1944".
12441	"	3	"November 1944". should be "December 1944."
12442	10099	17	Delete "stated" after "Dr. Struss".
12443	"	26	Place comma after "Inc.". Continue sentence with "in New York,".
12444	"	31	"and Italian" should be "an Italian".
12445	10100	8	Change comma to semi-colon after "Duesseldorf".
12446	"	9	Change comma to semi-colon after "Duesseldorf". Place semi-colon after "Gladbach".
12447	"	15	"53 percent" should be "93 percent".
12448	"	21	Insert "plant" after "Leverkusen".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12449	10100	22	"Fluorspat and Schworspat." should be "fluospar and heavy spar."
12450	10101	8	Place period after "1938". Begin new sentence with "As it is".
12451	"	8	Change period to comma after "paragraph 7". Continue sentence with "this Committee".
12452	10103	12	Delete "with" after "insulted".
12453	"	13	Change comma to period after "Mr. Warburg"
12454	"	22	"Aschon" should be "Aechon".
12455	10104	1	First word "political." should be "politically."
12456	"	11	Change third word "then," to read "more than".
12457	"	22	Last word "racial" should be "radical".
12458	10105	3	"The material" should be "In the material".
12459	"	15	"lower classes against the middle" should be "middle classes against the lower".
12460	"	15	"was fighting" should be "were fighting".
12461	"	22	"Dr. Carl von Weinberg came, he" should be "we visited Dr. Carl von Weinberg, who".
12462	"	24	Change comma to period after "Farben".
12463	10106	2	"employeds." should be "employers."
12464	"	29	"back to 1934, because I paid" should be "ahead to 1934, because I had paid".
12465	10107	5	Insert "both" after "and that".
12466	10108	14-15	Change "it was difficult for me to get" to read "only reluctantly I procured".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12467	10108	25	"many Party" should be "any Party".
12468	10109	3	"for the order" should be "for the regulation".
12469	"	26	Insert "a suitable representative of" after "very soon".
12470	"	27	Change "represented suitably" to "present".
12471	10111	7	Insert "first" after second word "refer". Also change comma to dash after last word "Party", and continue sentence with "these are" in line 8.
12472	"	8-9	Change "At the same time, these documents constitute" to read "Also there are documents constituting".
12473	"	11	"these documents refer" should be "there are documents referring".
12474	10112	20	Insert "himself (the witness Joeress)" after "and that he".
12475	10113	22	"to be planned" should be "to be placed".
12476	10114	31	Insert "and sur orted" after "employed".
12477	10116	4	"when he first came" should be "when Dr. Kuchne first came".
12478	"	28-29	"Thomas and Terboven," should be "Tammes and Terveoren,".
12479	10117	10-11	"subject matter concerning Count I" should be "to the subject matter of paragraph 1".
12480	"	12	Change "Klasch" to "Jasch,".
12481	"	27	Change first word "Vorstand" to "Chiel".
12482	10118	1	Last word "supplemented" should be "supplementary".
12483	"	6	Change "although such a contract" to read "although on application to that effect".

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Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12484	10118	10	"document 39" should be "document 33".
12485	10120	26	Add "organizations" after last word "affiliated".
12486	10121	22	"Roottger of the Office, Chief" should be "Roottger, Office Chief".
12487	10123	25-26	"the military" should be "militarism".
12488	10125	1	Insert "87" after "page".
12489	"	6	Delete first word "are". "to bring shall be" should be "to make will be".
12490	"	7	"but more" should be "but worse".
12491	10126	5	Change "some of the factories" to read "all of the visitors".
12492	10127	16	"madeallion," should be "medal,".
12493	"	20	"a distinguished" should be "the distinguished".
12494	"	29	"are measures" should be "are measured".
12495	10128	26-27	"This is not a state plant of Kuhlmann" should be "Kuhlmann was not a state plant,".
12496	10130	23	"we deceive" should be "we desire".
12497	10131	1	"insight" should be "insult"
12498	"	21	"was only" should be "played only".
12499	"	22	Insert "sales of" after second word "the".
12500	10132	10	Change "produce sulphuric acid back again" to read "regain the sulphuric acid".
12501	"	15	First word should read "plants".
12502	10133	9	"of other" should be "to and from other".
12503	10135	3	Place comma after "his ideas".
12504	10136	4	Delete "that" after "Gorman says".
12505	"	21	Change last word "the" to "a".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12506	10137	7	Delete "of" after "abused".
12507	"	19	Change "caused because" to read "due to the fact that".
12508	"	20	"the beginning of the war." should be "the years of the war."
12509	10138	3	Delete last word "off".
12510	"	10	Place period after "to it".
12511	"	25	Insert "book." after "Document".
12512	"	31	"NI-1078" should be "NI-10785"
12513	10139	20	Change "in becoming the Military" to read "as Military".
12514	"	5	"I was informed" should be "I was not informed".
12515	10140	18	Change last word "repeatedly" to read "immediately".
12516	"	30	"because" should be "became".
12517	10142	16	"to the SD and OK" should be "on the part of the SD and OK".
12518	"	25	Change "plant managers" to "employees".
12519	10145	16	Insert "Exhibit 659" after "NI-10595".
12520	10146	26	Change "to keep all supplies" to read "to cover the requirements".
12521	"	31	Change "inclusive of sulphuric acid." to read "including pyrite."
12522	"	15	Change last word "stocks" to "figures".
12523	10150	4	"paying his" should be "paying its".
12524	10152	15-16	"On the matter Medor and Noeck testified," should be "On the matter of Medor and Noeck I have already testified."
12525	0154	22	"in Grates" should be "in Graz".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12526	10154	27	Delete "and then" after "specific".
12527	10155	3	"that the question" should be "to direct that a question".
12528	"	13	"complete it," should be "complete it,".
12529	"	23	Insert "a" after "confirmed by".
12530	10157	4	Change "constitute" to "require".
12531	"	6	Change period to comma after "there". Continue sentence with "after,".
12532	"	7	"was discussed" should be "had been discussed".
12533	"	9	"Austrian chemistry" should be "Austrian chemical industry".
12534	10158	12	"Mr. Most von Sailer," should be "Mr. Moos von Sailer,".
12535	10159	16	"of course," should be "of ours,".
12536	10160	11	"died of" should be "died an,".
12537	10161	15	"explorios" should be "explosives".
12538	"	17	Delete "to build,".
12539	"	20	Change "to produce with substances" to read "to develop with the help of Farben a production".
12540	"	21	"the Blkans." should be "the Balkans.".
12541	"	23	Third word "port." should be "plant.".
12542	"	26	"lead to many" should be "led to many".
12543	"	29	Place period after "sought". Delete next word "after.".
12544	"	30	"power plant," should be "state-owned plant,".
12545	"	31	"to Farben" should be "of Farben".

Item No.	Transcript Page	Line(s)	PROPOSED CORRECTION
12546	10161	32	Change entire line to read "the Austrian territory -- from Kronneburg near Vienna to Moosbierbaum."
12547	10162	2	Change "part of the site." to read "the new plant."
12548	10162	3	Insert "a" after first word "construct".
12549	"	10	Delete "gencore" before "syrup"
12550	10163	4	Change "later a larger" to read "later an unexpected larger".
12551	"	5	Insert "cellulose wool" after "increasing".
12552	"	10	Delete "this is Exhibit 1101, it is stated".
12553	"	22	Last word "Austrian," should be "Austria,".
12554	"	23	Delete first word "that".
12555	"	25	"his right were cancelled arising from the contract." should be "his rights under the contract were cancelled."
12556	10165	13	"I set for" should be "I refer to".
12557	"	21	"given a survey" should be "gives a survey".
12558	10166	7	Change line 7 to read "The contents of the affidavit are briefly summarized; under paragraph 1 the affiant".
12559	"	10	"after 1938" should be "in 1938"
12560	"	26	Delete "the personnel of".
12561	"	31-32	Change from "Pollak" in line 31 through line 32 to read "Pollak in 1938, which Dr. Muchno, as he said, extremely regretted. Both witnesses".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12562	10167	10	Change "that one was seeking a solution." to read "that a solution was sought."
12563	"	14	"annexation of Austria" should be "Anschluss of Austria".
12564	10168	6	Third word "associate" should be "friend".
12565	"	13	Change "that was arranged with Dr. Haider." to read "mentioned by Dr. Haider."
12566	"	22	Change first word "faith" to "into"
12567	"	25	Change "they reverted" to "they came".
12568	"	27	Place comma after "Prager Verein" and delete next word "interests,".
12569	10169	6	"avoided. These arrangements were" should be "avoided that these arrangements should be".
12570	"	10-11	Change "for Kommissars, and the political events would make" to read "for Kommissars for the Russian Balkan plants, since the political events made".
12571	"	15	Change "ideas as these of the plant" to read "spiritual possession of the plants".
12572	"	20	Change "Czech participation" to "Czech-ization".
12573	10170	1	Third word "than" should be "of".
12574	"	5	"foreign organic" should be "for inorganic".
12575	"	13	Change "was exploited" to read "was exploited".
12576	"	15-16	Place period after "negotiations" and delete as refection "were respected very tactfully" by us during the negotiations."
12577	"	25	Last word's "members of" should be "member of".

Item No	Transcript Page	Time(s)	PROPOSED CORRECTION	453 (134)
12570	10170	26	Place period after "Mr. Dvoracek". Begin new sentence with "I further".	
12571	"	28	"write" should be "wrote".	
12572	"	29	"where the letter" should be "which letter".	
12581	10171	1	Insert "and concluded" after "conducted".	
12582	"	2	Place period after "manner" and delete "and that they were now concluded."	
12583	"	6	"fiber plant" should be "fiber plant".	
12584	10172	6	"was already" should be "were already".	
12585	"	10	"produces" should be "products".	
12586	"	20	"if it had been its intention" should be "if its intention had been".	
12587	"	24	"Ruettges" should be "Ruettgers".	
12588	"	27	"were in Ruschau." should be "was in Ruschau."	
12589	10173	9	Delete third word "dioxide,".	
12590	"	10	"Hexamethylene and tetramine," should be "Hexamethylentetramine,"	
12591	"	14	Change "caldle" to "agent".	
12592	10174	8	"Titak-Gesellschaft" should be "Titan-Gesellschaft".	
12593	"	10	"were from" should be "were very favorable to".	
12594	"	16	Insert "for smoke-screen agents" after "Hexachlorethane".	
12595	10176	17	Change entire line to read as follows: "THE PRESIDENT: Very well. Exhibit 1 of the defendant Kuhno, which had been marked for identification only, is now in evidence.	

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Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12596	10176	17(cont'd)	DR. LUNBERT: The witness Mayor confirms in this affidavit".
12597	"	30-31	Delete "(activated comp.)".
12598	10177	19	Insert "and the decisions" after first word "decisions".
12599	10180	Pagination	Pagination of page 10180 beginning "I now ask your Honors" should be changed to 10181.
12600	10181	20	"TEZ record" should be "TDC record".
12601	"	22	"to receive" should be "to get".
12602	"	26	"Kuchno No.17," should be "Kuchno No.70,".
12603	10182	3	Insert "a K and L plant," after "for life,".
12604	"	4	Insert "as far as I remember." after "procedure".
12605	"	16	"TDZ record" should be "TDC record".
12606	10183	3-5	Change from last word "A" in line 5 to read "In respect to their pay, the conditions of the Polish and eastern workers was worse in a certain way, but I shall deal with that later."
12607	10184	29	Change "in the newly established plants," to read "in the plants not yet familiar to them,".
12608	10185	11	"and for the principal" should be "and the principle".
12609	"	13	"who could work" should be "whoever works".
12610	10186	2	"page 61" should be "page 161".
12611	"	10	"this minute" should be "these minutes".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12612	10186	26	Change line 26 to read "Q. May I ask you how the foreign workers were housed?"
12613	10188	11	"Kunz" should be "Kuchne".
12614	10189	17	Last words "are being" should be "should be".
12615	"	18	"are being used" should be "are to be used".
12616	10190	1	"NI-8979" should be "NI-6997".
12617	"	13	Insert "and" before "that is why".
12618	"	15	Insert "and" before last words "that this".
12619	"	27	"Ieurer" should be "Meurer".
12620	10191	9	"Meurer." should be "Meurer."
12621	10192	2	Place comma and insert "Plittard Paulinshof," after "Cologne".
12622	"	17	"from 42 to 44" should be "from 1942 to 1944".
12623	10195	5	"didn't matter" should be "doesn't matter".
12624	10196	1	Second word "this" should be "these".
12625	"	5-6	"as a statement" should be "as document 89 is a statement".
12626	10197	12	Delete comma after "Padre". Place comma after "mentioned", and also after "Doyen".
12627	10200	6	"to persue" should be "to peruse".
12628	"	7	Delete last word "the".
12629	"	8	"percentage" should be "percentages".
12630	10201	7	"75 per cent" should be "25 per cent".
12631	"	16	"Mannsfield," should be "Manford,".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12632	10201	18	"Gorman Book 74" should be "same Document Book, 74".
12633	10202	22	"Horsch." should be "Horsch."
12634	10203	15	"TDZ" should be "TDC".
12635	"	22	"were somewhat worse treated" should be "were treated somewhat worse".
12636	10204	12	"a dd" should be "added".
12637	10205	9	"segments show" should be "show segments".
12638	"	17	Add "way" after last word "fashionable".
12639	"	21	"245" should be "254".
12640	"	22	"the laws" should be "the lawns".
12641	10206	5	Place comma after "female". Change next word "testimonies" to "who".
12642	"	23	"TDZ" should be "TDC".
12643	"	27	"II of Document Book II." should be "III of Document Book II."
12644	10207	31	"children at" should be "children employed from".
12645	10208	6	"that the Labor" should be "that there was Labor".
12646	"	23	Insert "which" after "half,".
12647	10210	1	Change line 1 to read: DR. NELTE: I quote: "This is," Mr. Minskoff says, "a report"
12648	"	2	Place quotation marks after "stated".
12649	"	3	Place quotation marks before "that".
12650	"	10	"to draw his attention" should be "to turn his attention".

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Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12651	10210	16	"made me startle." should be "startled me."
12652	10214	14, 22	"was returned," should be "was served,".
12653	10215	30	"282 to 293," should be "282 to 283,".
12654	10216	17	"no gentlemen" should be "my gentlemen".
2655	10217	12	Change "probable" to "natural".
2656	"	16	"the funds necessarily" should be "the necessary funds".
12657	"	24	"employ and" should be "employ any".
12658	10218	28	Change "on the radio," to read "on the so-called Drahtfunk,".
12659	10220	1	"not production" should be "no production".
12660	"	12-13	"and labor demand" should be "the labor requirements".
12661	10221	10	Change line 10 to read "Loverkusen. The letter referred to of the plant Loverkusen to the Labor Office of Opladen, bears the date of the".
2662	"	11	"5th of January" should be "15th of January".
2663	"	15	Last word "code." should be "code." Also place quotation marks before and after same word.
12664	"	16	"c-o-d-o." should be "C-o-d-o."
12665	10222	14	There was" should be "was there".
12666	10225	3	"you had known" should be "you had not known".
12667	"	17	"but I wand" should be "but what I want".
12668	"	9	Insert "that" after "Committee,".

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Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12669	10226	11	"council". should be "Verwaltungsret." with quotation marks after it.
12670	"	25	"Aufsichtsrat." should be "Verwaltungs-rat."
12671	10227	10	"the Farben Dynamit" should be "Farben, Dynamit".
12672	10228	17	Insert "was" after "Creditanstalt".
12673	"	30	"I hope" should be "I hoped".
12674	10233	2	Insert "or any nitrogen," after "gasoline".
12675	10236	31	Change line 31 to read "A. I do not know this name."
12676	10239	13	First word "with" should be "within".
12677	10240	12-13	"wasn't the Leverkusen Plant award by Hitler?" should be "didn't the Leverkusen Plant receive an award from Hitler?"
12678	10244	26	Last word "plants," should be "Reich,".
12679	10247	22	Delete "as" after "program".
12680	10249	4	"the word" should be "the wording".
12681	10253	6-7	Change "to find a contradiction in them." to read "to have any opposition to them."
12682	10254	12,18	"Sudetes" should be "Sudeten".
12683	"	14	Change period to comma after "Czechoslovakia".
12684	"	27	"some kine" should be "some kind".
12685	10255	8	"ask you question" should be "ask your questions".
12686	10257	14	Place comma after "Moosbierbaum". Delete next word "and".
12687	"	17	"to the construction on this" should be "for the construction of this".
12688	10258	17	"as" should be "an" after "placed".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12689	10258	28	Insert "the" before "Anschluss,".
12690	10260	2	"with the Dvoracek. The" should be "with Dvoracek's examination. The".
12691	10261	23	Insert "that" before "the procedure".
12692	"	24	"indulging, and which seems to not be" should be "indulging in, which seems not to be".
12693	10263	9	"in your files." should be "in his files."
12694	10267	14	"factor" should be "factory".
12695	10268	23	"as much furlough" should be "as many furloughs".
12696	"	27	Last word should be "officially".
12697	10274	4	"dietitians" should be "diet people".
12698	"	6-8	Delete "it shouldn't be dieticians, but the people who received the diets did not act according to the regulations and".
12699	10275	14	Insert "(Editor's note: See page 10277, lines 1-4)" after "1942,".
12700	10277	2	Add "stated" after "paragraph 7,".
12701	"	26-27	Insert after line 25 and before line 26 "to part A and one witness by the name of Zweigert. With regard".
12702	10280	11	Insert "being" after "which was".
12703	"	19	"I become" should be "I became".
12704	10283	8	"449, Book 24" should be "494, Book 22".
12705	"	31	"Germany" should be "German".
12706	10284	5	"after Reichsbank," should be "then the Reichsbank".
12707	"	10	"Under IG," should be "under I-G".
12708	10285	22	"and effective" should be "an effective".
12709	"	24	"Fifth." should be "Fourth."

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Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12710	10285	26	"Sixth." should be "Fifth."
12711	"	29	"Seventh." should be "Sixth."
12712	10286	2	"into the tasks" should be "in the tasks".
12713	"	28	Delete "Propaganda and",
12714	10287	21	"in regard in" should be "in regard to".
12715	10288	8	Place period after "aspect". Begin new sentence with "One cannot,".
12716	"	19	Delete third word "not".
12717	"	27	"there were slogans which had" should be "these were slogans which we had".
12718	10290	17	Change first word "near" to "connected".
12719	10292	12	Change "What was the name of Bayer?" to read "How was Bayer registered as a firm?"
12720	"	14-15	Change "The first name we gave was Bayer," to read "We set the name Bayer in front,".
12721	"	24	"during the war but," should be "but, during the war".
12722	10295	5	Insert "allow" before "independence".
12723	10296	7	"The last time," should be "At the end,".
12724	10297	23	Insert "and" before "the Economics".
12725	10298	6	Change "For instance, orders to be given, for instance," to read "For instance, that orders should be given".
12726	"	8	"was not either an" should be "was also not on".
12727	"	10	"and it was mainly called" should be "and for that mainly it was called".
12728	"	23	Add "Economy" after "Colonial".
12729	10300	15	"be legal" should be "by legal".
12730	"	27	"was that" should be "that was".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12710	10285	26	"Sixth." should be "Fifth."
12711	"	29	"Seventh." should be "Sixth."
12712	10286	2	"into the tasks" should be "in the tasks".
12713	"	28	Delete "Propaganda and",
12714	10287	21	"in regard in" should be "in regard to".
12715	10288	8	Place period after "aspect". Begin new sentence with "One cannot,".
12716	"	19	Delete third word "not".
12717	"	27	"there were slogans which had" should be "these were slogans which we had".
12718	10290	17	Change first word "near" to "connected".
12719	10292	12	Change "What was the name of Bayer?" to read "How was Bayer registered as a firm?"
12720	"	14-15	Change "The first name we gave was Bayer," to read "We set the name Bayer in front,".
12721	"	24	"during the war but," should be "but, during the war".
12722	10295	5	Insert "allow" before "independence".
12723	10296	7	"The last time," should be "At the end,".
12724	10297	23	Insert "and" before "the Economics".
12725	10298	6	Change "For instance, orders to be given, for instance," to read "For instance, that orders should be given".
12726	"	8	"was not either an" should be "was also not on".
12727	"	10	"and it was mainly called" should be "and for that mainly it was called".
12728	"	23	Add "Economy" after "Colonial".
12729	10300	15	"be legal" should be "by legal".
12730	"	27	"was that" should be "that was".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12731	10300	28	Delete first two words "these things".
12732	"	30	"you have heard" should be "you heard".
12733	10301	3	"preliamentary" should be "parliamentary".
12734	"	4	Delete last word "other".
12735	10303	4	Insert "could" before last word "agree".
12736	10304	18	Change "barley" to "rats".
12737	10305	9	"tenable" should be "untenable".
12738	"	23	Insert "occasionally" after "to make".
12739	10306	15	Insert "necessary" after "a certain".
12740	"	16	"the TAO the NS organization, abroad" should be "the AO, the NS organization abroad".
12741	"	17	Delete "abroad" after "expressed". Add "abroad," after last word "organizations".
12742	"	28	Insert "and" after "English".
12743	"	29	Delete comma after second word "recess".
12744	10310	17	Change "was created," to "worked,".
12745	"	18	Add "better" after last word "or".
12746	"	20	"The second exhibit," should be "As the second exhibit,".
12747	"	21	Change line 21 to read "I ask that I be permitted to produce the witness".
12748	10313	13	"calavry." should be "cavalry".
12749	"	15	Change "demonstrations" to read "assemblies".
12750	"	17	"the setting of one of unified" should be "the setting up of one unified".
12751	"	29	Change comma to dash after "ideals".
12752	"	32	Change semi-colon to dash after "as I know".

Item No.	Page No.	Line(s)	PROPOSED CORRECTION
12753	10318	9	Change "and they" to "who" after "abroad".
12754	10319	3	"tallow workers" should be "fellow workers".
12755	10321	12	"handled then" should be "handled it".
12756	10322	32	"quite a number of them" should be "some of them".
12757	10323	4	"these directors" should be "these gentlemen".
12758	"	26	Change period to comma after "Forces". Also change next words "They based themselves on" to read "on the basis of".
12759	10324	13	Change "in my personnel office," to read "in my own secretariate,".
12760	10325	1	Insert after line 1 and before line 2 the following sentences: "Q. What was the name of this man? A. Karl Fink; but I may add that in spite of this man I do not know of one single case where it was not possible to help when I was asked."
12761	"	8	Insert "by" before "regulations".
12762	"	29	"was killed" should be "perished".
12763	10326	15	Change period to comma after "AO". Rest of the line should be "negotiations with the aim whenever possible of safe-"
12764	"	26	Insert "to wit," after "matter,".
12765	"	27	"wish" should be "with,".
12766	10327	3	Change "service and military safety." to read "sovereignty was established."
12767	"	9	Last words "was as a" should be "war as a".
12768	"	11	"on the pattern," should be "on a pattern:".
12769	"	20	Insert "and the employees" after "directors", "that were" should be "that was".
12770	"	24	"sondiered" should be "considered".

Item No.	Page No.	Line(s)	PROPOSED CORRECTION
12771	10328	4	Place period after "here". Begin new sentence with "My personal".
12772	"	5	Delete period after "war". The following words "They were" should be "was".
12773	"	17-19	"64,000 marks," should be "600,000 marks,".
12774	10330	14	Place comma and insert "a Danish civilian who was secretary" after "Skousen".
12775	10332	11	"Sangen," should be "Zangen,".
12776	10333	26	"Document 216" should be "Document 218".
12777	10335	12	Delete "even" after "I don't".
12778	"	26	"that is that" should be "that the list in".
12779	"	27	Place semi-colon after "contributions".
12780	"	28	Change period to comma after "schools". Continue sentence with "and contributions".
12781	10336	12	Delete period and "That is" after "Reichsmark".
12782	"	13	Change period to comma after "question". Delete "That amounts to".
12783	"	31	"I wanted" should be "I want".
12784	10337	22	"Reich authorities," should be "Reich agencies,".
12785	10339	3	"Count IO" should be "Count I-C".
12786	"	20	Change "we didn't make" to read "we didn't set aside".
12787	"	24	Delete "by reason" as repetition.
12788	"	27	Change "from the authorities" to read "from the things I heard".
12789	"	28	Insert "to me" after "seemed".
12790	10340	3	"when he was" should be "when Gattinetti was".
12791	"	4	Delete third word "and".

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Item No.	Page No.	Line(s)	PROPOSED CORRECTION
12792	10340	23	"sixty-five percent" should be "fifty-five percent".
12793	"	26	"with whom" should be "with which".
12794	"	31	Second word "mendicants" should be "medicaments". Place comma and insert "as it is called in America" after "business".
2795	"	32	Delete "a little".
2796	10341	1	"had a whole number" should be "had a large number".
12797	"	4	Insert "which are hardly worthy of the name." after "enterprises".
12798	"	12	"Count IE" should be "Count I-E".
12799	"	20-22	Change from "resources" in line 20 through "fund" in line 22 to read "resources certain businesses were to be financed which normally would no longer have been considered as export businesses because of financial difficulties. This export fund".
2800	"	23	"these firms made" should be "those firms which made".
2801	"	24	Change last word "ordinarily" to read "received certain amounts of money".
2802	"	25	Place period after "means". Begin new sentence with "Of course,".
12803	"	26	"be only the ones" should be "be the only ones".
12804	"	28	"But this has already been explained and that it was" should be "But as has already been explained it was".
2805	10343	15	"for an exchange." should be "foreign exchange."
2806	"	23	Change "our transactions" to read "our settlement of accounts".
2807	"	24	"our exports." should be "our export proceeds."
2808	"	28	"and longer," should be "any longer,".
12809	"	30	Place quotation marks before "we guarantee".

Item No.	Page No.	Line(s)	PROPOSED CORRECTION
12610	10344	2	"that was done" should be "that should be done". Also place quotation marks after last word "year."
12611	"	23	"Count IF" should be "Count I-F".
12612	10345	11-13	Change from "basis" in line 11 through line 13 to read "basis of pharmaceutical chemicals produced by a small number of firms. In other words, they are firms that have a certain way of manufacturing or final finishing, as was".
12613	"	15	"the synthetic materials. They were " should be "synthetic materials which were".
12614	"	25	Last words "to the" should be "of the".
12615	10346	19	Change "In the special" to read "I only may add that in the special".
12616	"	20	Add "also" after last word "were".
12617	"	23	"Sterling Brothers" should be "Sterling Products".
12618	"	25	"about a fifty-fifty contracts" should be "on a fifty-fifty basis".
12619	"	26	"South America." should be "South Africa."
12620	"	27	Insert "the American Cyanide Company in the field of insecticides. We also had contracts with England," before "Czechoslovakia".
12621	10347	2	"it would have been" should be "it was".
12622	"	3	"if we had" should be "when we".
12623	"	4-5	Change "had to be concluded the so-called" to read "were concluded. Of so-called". Delete last word in line 5 "all".
12624	"	6	Change period to comma after "pharmaceuticals". Continue sentence with "there were".
12625	"	7-12	"sterling products," should be "Sterling Products,".
12626	"	27	Change "periodicals" to "purchasers".
12627	"	29	Delete "were sold by the little consumers and which".

Item No.	Page No.	Line (s)	PROPOSED CORRECTION
12828	10347	30	Insert "and which" after "consumers". Change period to comma after "basis".
12829	"	31	Change line 31 to read "that is to say, which were sold freely in the stores, the selling of this material".
12830	10348	6	Change "in German" to "in English".
12831	"	7	Change "in English" to "in German".
12832	"	12	Change "It was not done at all by us, for all" to read "It was not at all possible, for of all".
12833	"	13-14	Change from "abroad" in line 13 through "We were" in line 14 to read "abroad which was usually done by our agents abroad, we were".
12834	"	15	Insert "therefore" after first word "we".
12835	"	19	Change "International" to "general".
12836	"	21	Place comma after "development" and change rest of line to read "but in another sense than understood by the Prosecution, mainly because".
12837	"	27	Change comma to period after "Hitler". Begin new sentence with "Particularly".
12838	"	28	Change period to comma after "abroad".
12839	"	31	Insert "that" after "emphasize".
12840	"	32	Change period to comma after "direction". Delete next word "It".
12851	10349	9	Delete "possibly" after "that could not".
12852	"	10-12	Change lines 10 and through "self-evident" in line 12 to read "task carried out by the Economic Political Department (WIPO) and the Economic Research Department (VOWI), -- about which subject my colleague Ilgner has already dealt -- we gained additional economic information from abroad from our Farben liaison men. We also got information from Germany but that is so self-evident".

Item No.	Page No.	Line(s)	PROPOSED CORRECTION
12843	10349	16	Insert "economic" after "of an".
12844	"	19	"as for instance, documents have been" should read "for instance, as to the documents which have been".
12845	"	20	Insert "which everyone could read" after "articles".
12846	"	21	Change line 21 to read "of South America, articles which were sent to us by our liaison men, it".
12847	"	22	"that I had" should be "that we had".
12848	"	24-25	Change line 24 through "one had to know" in line 25 to read "the Army. In other words there would be certain competition conducted for remedies and because we intended to participate, one had to know".
12849	10350	1	Insert "No. 27" after "letter".
12850	"	2	"the public prosecutor" should be "the Prosecution".
12851	"	4	"we constantly -- that is," should be "it was customary that we, that is,".
12852	"	13-14	Change "and letters were intended to accompany" to read "and nothing else was intended by".
12853	"	18	Change "to be indicted" to read "on which one can be indicted".
12854	"	19	Place comma after "page 94". Delete next words "of the same".
12855	10351	20	Change last word "from" to "against".
12856	"	21	"every possible" should be "the next possible".
12857	"	22	Change line 22 to read "presents itself, the gentlemen are to be verbally pledged accordingly".

Item No.	Page NO.	Line(s)	PROPOSED CORRECTION
12858	10352	5	"to the Office." should be "to the official agencies."
12859	"	13	Change "Bayer Sales Combine." to read "Bayer Pharmaceuticals and Insecticides."
12860	10353	14	"when I think" should be "then I think".
12861	"	21	Change comma to period and insert "This agency in Berlin wrote in turn" after "in Berlin".
12862	"	25	"therefore I said" should be "and therefore I had to say".
12863	"	30	Insert "to take the difficult decision." after first word "me". Also "this letters" should be "this letter".
12864	10354	1	"page 83" should be "page 93".
12865	"	6	"but I always maintained in " should be "which I always maintained. In".
12866	"	6	Insert "it" before "states:"
12867	"	9	Change "makes necessary" to "leads to".
12868	"	24	"camouflaged" should be "camouflage".
12869	10355	19-21	Change from "competency." in line 19 through "Our interest" in line 21 to read "competency. We also were interested in these transactions and that is the reason why we agreed. Our interest".
12870	"	23	Delete "methods,".
12871	"	24	"our pay, our income received" should be "our income in pesos at Buenos Aires received".
12872	"	25	"German" should be "Germany".
12873	10357	13	"addressed" should be "addresses".
12874	10359	7	"as much as" should be "this much, that".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12875	10359	10	Change comma to period after "cross-examined".
12876	10360	12	"and should" should be "which should".
12877	"	18	First word "man" should be "may".
12878	10361	5	Insert "an" after "never was".
12879	"	14	"296" should be "297".
12880	10362	29	Insert "it was possible and when" after "as long as".
12881	10364	12	Insert "by" after "It is also".
12882	"	24	Change "of Finance" to "of Economics".
12883	10365	17	"which has Document No. 1-5, dated" should be "as is shown by Document No. 1-5, are dated".
12884	10366	8-9	"certifies to Mr. Mann with regard to his attitude" should be "certifies as to Mr. Mann's attitude".
12885	10367	13	Change "be brought back to" to read "be based on".
12886	"	25	"and I want to show" should be "and he shows".
12887	10368	1	Insert "chart" after "column".
12888	"	26	"dismissed of Jewish" should be "dismissal of Jewish".
12889	10370	12	"Count 1-E" should be "Count I-G".
12890	10372	9	"Mr. Hohmann personally," should be "Mr. Hohmann's personality,".
12891	10375	14	"two decisions" should be "two KA decisions".
12892	"	18	Insert "(not just Bayer)" after "I.G."
12893	"	22	Change line 22 to read "these requests of the OKW also with regard to the local connections,".
12894	"	27	"Oberhof," should be "Overhoff,".
12895	"	31	"Count 1-A." should be "Count I-H."

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Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12896	10376	27	"Dr. Kueppers" should be "Dr. Kuepper."
12897	10377	1	"Dr. Kueppers" should be "Dr. Kuepper."
12898	"	13	Delete "it" after "speaking."
12899	"	24	Insert "I was" after "of which".
12900	"	28, 29	Change "Reorganization," to read "a New Order."
12901	10378	2	"built with" should be "treated".
12902	10379	20	"autmany" should be "autonomy".
12903	10380	1, 3	"of the reports," should be "of the report,".
12904	10381	23	"Document 190" should be "Document 119".
12905	10381	29	"It is concluded" should be "It is included".
12906	10382	13	Change semi-colon to comma after "protections".
12907	"	24	"520" should be "528".
12908	10386	26	Delete as repetition "I offer Document 337 as Exhibit 201."
12909	10389	18	"274." should be "284."
12910	10391	8	Delete semi-colon and "exports" after "business".
12911	"	26	"trade mart" should be "trade marks".
12912	10392	4	"production" should be "protection".
12913	#1372	13	Change "you now take" to read "you take before the war".
12914	"	14	Delete "before the war".
12915	"	24	Place quotation marks before "After".
12916	"	27	Place quotation marks after "enterprise."
12917	"	28	Place quotation marks before "With reference".
12918	"	29	Place quotation marks after "statements".
			- 151 -
10385			"Dr. Kueppers" should be "Dr. Kuepper."
10386			"Dr. Kueppers" should be "Dr. Kuepper."
10387			"Dr. Kueppers" should be "Dr. Kuepper."
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10399			"Dr. Kueppers" should be "Dr. Kuepper."
10400			"Dr. Kueppers" should be "Dr. Kuepper."
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10438			"Dr. Kueppers" should be "Dr. Kuepper."
10439			"Dr. Kueppers" should be "Dr. Kuepper."
10440			"Dr. Kueppers" should be "Dr. Kuepper."
10441			"Dr. Kueppers" should be "Dr. Kuepper."
10442			"Dr. Kueppers" should be "Dr. Kuepper."
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10445			"Dr. Kueppers" should be "Dr. Kuepper."
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10458			"Dr. Kueppers" should be "Dr. Kuepper."
10459			"Dr. Kueppers" should be "Dr. Kuepper."
10460			"Dr. Kueppers" should be "Dr. Kuepper."
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10468			"Dr. Kueppers" should be "Dr. Kuepper."
10469			"Dr. Kueppers" should be "Dr. Kuepper."
10470			"Dr. Kueppers" should be "Dr. Kuepper."
10471			"Dr. Kueppers" should be "Dr. Kuepper."
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10492			"Dr. Kueppers" should be "Dr. Kuepper."
10493			"Dr. Kueppers" should be "Dr. Kuepper."
10494			"Dr. Kueppers" should be "Dr. Kuepper."
10495			"Dr. Kueppers" should be "Dr. Kuepper."
10496			"Dr. Kueppers" should be "Dr. Kuepper."
10497			"Dr. Kueppers" should be "Dr. Kuepper."
10498			"Dr. Kueppers" should be "Dr. Kuepper."
10499			"Dr. Kueppers" should be "Dr. Kuepper."
10500			"Dr. Kueppers" should be "Dr. Kuepper."

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12919	10392	30	Place quotation marks before "Lutter" and after "informs".
12920	"	31	Place quotation marks before "Lutter".
12921	10393	1	Place quotation marks after "Paris,". Also place quotation marks before last word "has".
12922	"	4	Place quotation marks after "program."
12923	10394	7	Place dash after last word "share,".
12924	"	10	Change period to dash after "Rhône-Poulenc". Continue sentence with "the share".
12925	"	16	Place quotation marks before "Thus Rhône-Poulenc".
12926	"	18	Place quotation marks after "market."
12927	10395	2	"pharmaceuticals," should be "pharmaceutical chemicals,".
12928	"	17	Change "negotiations" to "agreements".
12929	10396	3	Change line 3 to read "Tribunal what this potent situation in France was like with regard to pharmaceutical products?"
12930	"	18	"material; the application" should be "material, an application".
12931	"	27	Change "the granting of" to read "participation in".
12932	10397	3	Delete comma after "about". Place comma after "with the French" and delete next words "or with".
12933	"	8	"381" should be "183,".
12934	"	19	First word "took" should be "reached".
12935	"	20	Insert "out" after "we brought".
12936	"	21	"we had to find out" should be "we often found out".
12937	10398	6	"and he refers" should be "and 'you' refers".
12938	"	20, 25	Change "armistice" to "peace treaty".

Item No	Transcript Page	Line(s)	PROPOSED CORRECTION
12939	10399	8	"wanted a patent" should be "wanted the patent".
12940	"	13	Insert "Exhibit 185," after "Document 335,".
12941	10400	13	Delete quotation marks after "people."
12942	"	16	Place quotation marks before "The French".
12943	10401	21-26	Change from "I discuss" in line 21 through line 26 to read "I discuss the negotiations with Rhone-Poulenc, I will only say that they were of extreme advantage to the Rhone-Poulenc firm since for the licenses that we granted to Rhone-Poulenc for new products, they became the sole licensee."
12944	10402	2	Change quotation marks around "Aspirin" to single quotes and place regular quotation marks at end of line to show end of quotation.
12945	"	12	Change last word "Bayer" to "Rhone-Poulenc".
12946	8016	15	Last word "for" should be "through".

Muenberg, 27 May 1948
Late

By

D. A. Sprecher
D. A. Sprecher

for Telford Taylor
Brig. Gen., U.S.A.

By

Dr. Rudolf Dix
Dr. Rudolf Dix

for DEFENSE COUNSEL, CASE VI

FILED 28 May 48

Secy. Gen. [illegible]

UNITED STATES MILITARY TRIBUNAL VI
SITTING IN THE PALACE OF JUSTICE, NUREMBERG, GERMANY
28 MAY 1948

454

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THE UNITED STATES OF AMERICA

- vs. -

CARL KRAUCH, et al.,

Defendants.

Case No. 6

ORDER

The Prosecution and Dr. Otto Helte, as counsel for the Defendant Hoerlein, having entered into a written stipulation with respect to Hoerlein Document No. 215, Hoerlein Exhibit No. 143,

IT IS ORDERED by the Tribunal that said stipulation is made a part thereof in the files of the Secretary General of the Tribunal and that the original of said document and exhibit shall likewise be preserved in the files of said Secretary General but need not be translated, mimeographed or distributed as an exhibit in this cause. The Tribunal will accept said stipulation in lieu of the original exhibit for the purposes of the contents of said original exhibit.

IT IS FURTHER ORDERED that said stipulation shall be processed and distributed to the members of the Tribunal and to counsel and designated as the substitute for Hoerlein Document No. 215, Hoerlein Exhibit No. 143.

Curtis G. Shaker

CURTIS G. SHAKER
Presiding

Dated this 28th day of May 1948

PROSECUTION NOTIFIED

DEFENSE NOTIFIED

28 May 48 - E.J.

STIPULATION

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(2)

between the Prosecution and the Defense

on the Hoerlein Document 215, Exh. 143 (Sick reports submitted during the interrogation of Dr. Wladislaw Tondos, Prosecution Exhibit 1715, NI-12452.)

In order to avoid translation and mimeographing of the voluminous sick reports, the Prosecution and Defense stipulate the following on the contents of the sick reports:

1. These 10 sick reports on people who died of acute tuberculosis in the Auschwitz hospital are kept with care and in detail
2. The medical treatment was conducted with Rutenol and other pharmaceutical products. It lasted:

Case	1	--	8 months
"	2	--	8 "
"	3	--	10 "
"	4	--	8 "
"	5	--	14 "
"	6	--	4 "
"	7	--	9 "
"	8	--	9 "
"	9	--	7 "
"	10	--	6 "

3. All the cases were extraordinarily serious. Practically all the patients showed at the time they were admitted a relatively advanced state of disease.
4. They are normal clinical cases of acute tuberculosis. The sick reports do not reveal any suspicion of artificial infection whatever. (The Prosecution did not assert that artificial infections were made in cases of tuberculosis.)
5. Some of the persons had to vomit after having taken Rutenol. Later on, however, the same persons perfectly tolerated Rutenol, each time they received it in the course of the further treatment.
6. In cases where a dissection was made, the findings show that no organs incurred changes (either negative or positive) which are to be regarded as the effect of granulated Rutenol.
7. The sick reports do not show at all that death was caused by treatment with Rutenol.

On behalf of the
Prosecution

(s.) E.E. Minskoff
E.E. MINSKOFF

On behalf of the
defendant Hoerlein

(s.) Dr. Otto Helte
Counsel Dr. HELTE

I HEREBY CERTIFY that the foregoing is a true and exact copy of Stipulation made a part of Hoerlein Exhibit No. 143, Hoerlein Document No. 215, pursuant to Court Order of Tribunal VI, Case 6, dated 28 May 1948.

2879 *Barbara Skinner Mandellaub*
Barbara Skinner Mandellaub
Chief, Court Archives
Office of Secretary General

STIPULATION

(3)

zwischen Anklage und Verteidigung

ueber das HOERLEIN-Dokument 215, Exh. 143 (Krankenblaetter, ueberreicht in der Vernehmung von Dr. Wladislaw Tondos, Exh. der Anklage 1715, NI-12 452).

- - - - -

Um die Uebersetzung und Vervielfaeltigung der umfangreichen Krankenblaetter zu vermeiden, stellen Anklage und Verteidigung als Inhalt dieser Krankenblaetter folgendes fest:

1. Es handelt sich um 10 sehr eingehende und sorgfaeltig gefuehrte Krankengeschichten von Leuten, die im Lazarett Auschwitz an offener Tbc gestorben sind.

2. Die aerstliche Behandlung erfolgte ausser mit Rutenol auch mit anderen Praeparaten. Sie dauerte:

Fall	1	-	8	Monate
"	2	-	8	"
"	3	-	10	"
"	4	-	8	"
"	5	-	14	"
"	6	-	4	"
"	7	-	9	"
"	8	-	9	"
"	9	-	7	"
"	10	-	6	"

3. Die Faelle waren saemtlich ausserordentlich schwer. Fast alle Patienten zeigten schon bei ihrer Einlieferung einen relativ fortgeschrittenen Krankheitszustand.

4. Es handelt sich um normale klinische Faelle von offener Tbc. Irgendeinen Verdacht kuenstlicher Infektion ergeben die Krankenblaetter nicht. (Anklage behauptete auch nicht, dass bei Tbc-Faellen kuenstliche Infektion vorgenommen worden sind.)

5. Bei einigen Personen kam es nach dem Genuss von Rutenol zum Erbrechen. Diese gleichen Personen haben spaeter aber das Rutenol einwandfrei vertragen, wenn sie es im Laufe der weiteren Behandlung wieder bekommen haben.

6. In den Faellen, in denen ein Sektionsbefund vorliegt, ist festgestellt, dass an keinem Organ Veraenderungen aufgetreten sind (negativ oder positiv), die als Wirkung des Rutenol-Granulats anzusehen sind.

7. Die Krankenblaetter ergeben keinen Anhaltspunkt dafuer, dass der Tod durch Behandlung mit Rutenol verursacht ist.

Fuer die Anklage:

Fuer den Angeklagten HOERLEIN:

s./E.E. Minskoff
E.E. MINSKOFF

s./ Dr. Otto Nelte
Verteidiger Dr. NELTE

I HEREBY CERTIFY that the foregoing is a true and exact copy of Stipulation (in German) made a part of Hoerlein Exhibit No. 143, Hoerlein Document No. 215, pursuant to Court Order of Tribunal VI, Case 6, dated 28 May 1948.

2886

Barbara Skinner Mandellaub
Barbara Skinner Mandellaub
Chief, Court Archives
Office of Secretary General

FILED 27 May 48 with
Secretary General
for Military Tribunals
Defense Center

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(4)

Dr. Dr. Otto Nelte
N u r n b e r g
Palace of Justice, Room 535

Nurnberg 25 May 1948

To

Military Tribunal VI
N u r n b e r g

Subject: Defense of Hörlein (Hörlein-Document No.215,
Exh.143).

In order to avoid translation and mimeographing of the voluminous sick reports, the Prosecution and the Defense have made a stipulation which is to take the place of Hörlein-Exhibit No.143.

The original sick reports will be submitted to the Tribunal along with the stipulation.

Annex: Stipulation;sick reports.

(s.) Dr. Otto Nelte

Dr. Dr. Otto Helte
Muernberg
Justizpalast Z. 535

FILED 27 May 48 with
Secretary General
for Military Tribunals
Defense Center

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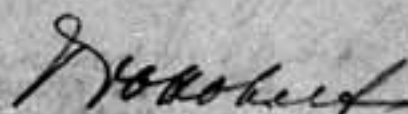
Muernberg, den 25. Mai 1948

An den
Militaergerichtshof Nr. VI
Muernberg

Betr: Verteidigung Hoerlein (Hoerlein-Dokument Nr. 215, Exhibit 143)

Um die Uebersetzung und Vervielfaeltigung der umfangreichen Kranken-
blaetter zu vermeiden, haben die Anklage und Verteidigung eine Stipulation ge-
troffen, die an Stelle des HOERLEIN-Exhibits Nr. 143 treten soll.

Die Originalkrankenblaetter werden dem Hohen Gericht gleichzeitig mit die-
ser Stipulation vorgelegt.


(Dr. Otto Helte)

Anlage: Stipulation
1 Mappe Krankenblaetter

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FILED 28 May 48 with
Secretary General
The Military Tribunal

UNITED STATES MILITARY TRIBUNAL VI
SITTING IN THE PALACE OF JUSTICE, NUREMBERG, GERMANY
28 MAY 1948

THE UNITED STATES OF AMERICA

- vs. -

CARL KRAUCH, et al.,

Defendants.

Case No. 6

ORDER

Upon consideration of the Motion of Dr. Hans Frihling, counsel for the Defendant Carl Lautenschlager, dated 24 May 1948, entitled: "Objection against Exhibit 2288-2290" but which said Motion involves only Prosecution's Exhibit 2290, the Tribunal finds that the relief sought in said Motion was heretofore denied by the Tribunal by its Order dated 21 May 1948.

The said Motion of 24 May 1948 is therefore dismissed.

Curtis G. Shank
CURTIS G. SHANK
Presiding

Dated this 28th day of May 1948

PROSECUTOR NOTIFIED

DEFENSE NOTIFIED
28 May 48-22

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MILITARY TRIBUNALS

Nurnberg, Germany

UNITED STATES OF AMERICA

Against

KRAUCH and Others (Case VI)

ANSWER TO DR. PRIBILLA'S OBJECTION AGAINST P.E. 2260

TO: The Secretary General, Military Tribunals (Room 281)

1. Dr. Pribilla introduced Lautenschlaeger document No. 58 as Lautenschlaeger exhibit 61. This is an affidavit of Julius Weber.

2. An informal understanding was reached to the effect that the Prosecution would waive its cross-examination of witness Weber, which was to have taken place in Switzerland, and would in lieu thereof offer several Prosecution exhibits in evidence. The Prosecution thereafter offered three documents, among them NI-9824, as its exhibit 2260. It is this exhibit with respect to which Dr. Pribilla has now interposed an objection.

3. There can be little question with respect to the propriety of the Prosecution's offer of exhibit 2260. It is a letter addressed to the witness Weber. From its contents, which refer to the treatment with the Farben product during the "incubation" period, it clearly refers to cases involving artificial infection since there is no other way humanly possible of knowing that the period is in fact an "incubation" period. Since the witness Weber has testified at length that he did not know of the artificial infection, the document not only impeaches his testimony but rebuts the affirmative evidence introduced to the effect that it was impossible for Farben to have known of the illegal nature of the experiments. Exhibit 2260, being a competent contemporaneous document which is both material and relevant to the issues and is clearly appropriate cross-examination as

well as rebuttal material, should be permitted to stand in evidence even had there been no understanding in connection with its introduction. In view of the fact that it was introduced in lieu of cross-examination, the motion by Dr. Pribilla should be overruled.

E. E. Minskoff
E. E. MINSKOFF
Deputy Prosecutor

Nurnberg, 28 May 1948.

FOR: TELFORD TAYLOR
Brig. Gen. USA
Chief of Counsel

Nurnberg 24 May 1948

6945
FILED 24 May 1948
Secretary General
to the United Nations
D. P. S. Clerk

I received the reply of the Prosecution, dated 21 May 1948, concerning the above subject. I regret very much having to inform you that there is a great misunderstanding. Contrary to the Prosecution's assumption, no stipulation has been made on the three rebuttal documents. Mr. Minskoff merely for my information told me in the hall of the courthouse that the Prosecution probably would not cross-examine Weber. The Prosecution, however, would challenge Weber's testimony by three rebuttal documents still to be submitted. Replying to this I stated he could do that, since he has the right to do so. During the conversation, Mr. Minskoff did not show me the documents to be offered, nor did he tell me anything as to the contents of these documents. I would have violated my duties of attorney if from the very beginning I had waived the right to challenge documents which I had not seen at all. Out of the 3 rebuttal documents offered, I meanwhile challenged one document, NI 9824, Exh.2260, in a motion of 18 May 1948, signed by my assistant. (Independently, Dr. Nelte challenged document NI 15294, Exh.2258, on 10 May 1948). The substantiation for my attack on the admissibility of the document can be

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found in my motion, dated 18 May 1948.

As to the statements of the Prosecution in fig.3 it can be said that here is an example of an actual stipulation. It was done in writing and with three signatures. The Prosecution, however, overlooks that the stipulation: waiver of cross-examination Bieling on the one hand and the new introduction of an old Bieling-affidavit by the Prosecution on the other (NI 8500, Exh.2269) - has nothing to do with my motion of 18 May 1948. My motion, dated 18 May 1948, concerns rebuttal document NI 9824, Exh.2260 only. This was submitted by the Prosecution to the witness as early as January. Since the Prosecution later on did no longer enter into the subject dealt with and did not introduce the document in court, the Defense so far did not enter into the contents of this document. Since the document now appeared suddenly in the rebuttal, I have moved to dismiss it or to allow me to submit the witness' brief comments upon this document.

(s.) Dr. Hans Pribilla
Attorney

Dr. Hans P r i b i l l a
Verteidiger des Angeklagten
Carl Ludwig Lautenschläger

Nürnberg, den 24. Mai 1948.

An den
Militärgerichtshof VI
N ü r n b e r g

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FILED 24 May 48 with
Secretary General
for Military Tribunals
Defense Center

Betrifft: Einspruch gegen Exh. 2258 u. 2260

Ich erhielt die Antwort der Anklage vom 21.5.1948 zu diesem Gegenstand. Ich bedauere sehr mitteilen zu müssen, dass ein grosses Missverständnis vorliegt. Entgegen der Annahme der Anklage ist keine Stipulation über die drei Rebuttal-Dokumente erfolgt. Herr Minskoff hat mir auf dem Flur des Gerichtsgebäudes in rein berichtender Form mitgeteilt, dass die Anklagebehörde das Kreuzverhör Weber wohl nicht durchführen werde. Die Anklage werde aber die Aussage Webers durch drei noch vorzulegende Rebuttal-Dokumente angreifen. Meine Antwort darauf war, dass er das tun könne, da dies sein gutes Recht sei. Bei der Unterhaltung hat Herr Minskoff mir weder die vorzulegenden Dokumente gezeigt, noch mir etwas über den Inhalt dieser Dokumente gesagt. Ich würde mich einer Verletzung meiner Anwaltpflichten schuldig gemacht haben, wenn ich von vornherein darauf verzichtet hätte, Dokumente anzugreifen, die ich überhaupt noch nicht gesehen hatte.

Von den 3 vorgelegten Rebuttal-Dokumenten habe ich inzwischen mit der von meinem Mitarbeiter unterzeichneten Motion vom 18.5.1948 ein einziges und zwar Dokument NI 9824, Exh. 2260, angegriffen. (Unabhängig hat Dr. Nelte am 10.5.1948 das Dokument NI 15294, Exh. 2258 angegriffen).

Die Begründung für meinen Angriff gegen die Zulässigkeit des Dokuments ergibt sich aus meinem Antrag vom 18.5.48.

Zu den Ausführungen der Anklagebehörde unter Punkt 3. ist zu sagen, dass hier das Beispiel einer wirklichen Stipulation vorliegt. Sie wurde schriftlich gemacht und mit 3 Unterschriften. Die Anklage übersieht allerdings, dass die Stipulation: Verzicht auf Kreuzverhör Bieling einerseits - Neueinführung eines alten Bieling-Affidavits durch die Anklage andererseits (NI 8500, Exh. 2269), - nichts mit meinem Antrag vom 18.5.1948 zu tun hat. Bei meinem Antrag vom 18.5.1948 handelt es sich lediglich um das Rebuttal-Dokument NI 9824, Exh. 2260. Dies wurde dem Zeugen schon im Januar 1947 von der Anklage vorgelegt. Da die Anklage später nicht mehr auf das behandelte Thema einging und das Dokument nicht bei Gericht einbrachte, ist die Verteidigung auf den Inhalt dieses Dokuments bisher nicht eingegangen. Nachdem das Dokument jetzt plötzlich im Rebuttal auftauchte, habe ich beantragt, es entweder zurückzuweisen oder mir zu gestatten, eine kurze Stellungnahme des Zeugen zu diesem Dokument einreichen zu können.

E. Kaus

Rechtsanwalt.

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UNITED STATES MILITARY TRIBUNALS
SITTING IN THE PALACE OF JUSTICE, NURNBERG, GERMANY
AT A SESSION OF MILITARY TRIBUNAL VI
HELD 20 MAY 1948, IN CHAMBERS

THE UNITED STATES OF AMERICA

- vs. -

CARL KRAUCH, et al.,

Defendants.

FILED *June 14/48* with
Secretary General
Military Tribunals
Case No. 2
Docket Center

On considering prosecution motion of 18 May 1948 to

- 1) assign Prosecution Exhibit No. 2267 to Doc. No. NI-15244
- 2) assign Prosecution Exhibit No. 2268 (for identification only) to Doc. No. NI-15128
- 3) assign Prosecution Exhibit No. 2352 to Doc. No. NI-15290
- 4) assign Prosecution Exhibit No. 2269 to Doc. No. NI-8500 (excepting paragraph 2, which is not to be considered in evidence).

IT IS ORDERED that said motion be granted.

Quinn T. Tamm
Presiding Judge

Dated this 20th day of May 1948.

PROSECUTION NOTIFIED

1 June 1948
DEFENSE NOTIFIED

MILITARY TRIBUNALS

Nurnberg, Germany

456
FILED 20 May 1948 with
Secretary General
for Military Tribunals
Defense Center (2)

UNITED STATES OF AMERICA

Against

KRAUCH and Others (Case VI)

MOTION TO ASSIGN OR REASSIGN EXHIBIT NUMBERS TO CERTAIN
DOCUMENTS

TO: The Secretary General, Military Tribunals (Room 281).

1. Three errors or omissions were made in assigning prosecution exhibit (PE) numbers to documents used before one of the two Commissioners on the 10th and 11th of May 1948. Exhibit numbers used before one Commissioner were also assigned during cross examination before another Commissioner, etc. This motion is calculated to correct these errors.

2. On 10 May 1948, Doc. No. NI-15244 was assigned PE 2350 at page 14191 of the English transcript. Since PE 2350 previously and properly had been assigned to NI-14320, the prosecution herewith moves that prosecution exhibit 2267 be assigned to Doc. No. NI-15244.

3. On 10 May 1948, Doc. No. 15128 was improperly assigned PE 2351 for identification at page 14194 of the English transcript. Since PE 2351 previously and properly had been assigned to Doc. No. NI-9511, the prosecution moves herewith to assign PE 2268 (for identification only) to Doc. No. NI-15128.

4. On 11 May 1948, at page 14382 of the English transcript, the prosecution offered in evidence an original German document (an official record concerning the crime record of the affiant Fuerstenberg) which at that time had not been assigned a document number. It was not assigned an exhibit number at the time because of some confusion as to what was the next exhibit number in order. This document has been given the Doc. No. NI-15290. The prosecution herewith moves that Doc. No. NI-15290 be assigned prosecution exhibit 2352.

5. Because of a stipulation of 13 May 1948 between the

prosecution and defense counsel for the defendants HOERLEIN and LAUTENSCHLAGER, Doc. No. NL-8500 (excepting paragraph 2, which is not to be considered in evidence) should be assigned prosecution exhibit 2269.

By: *D. A. Sprecher*
D. A. SPEECHER
Chief, FARREN TRIAL TEAM

For: TELFORD TAYLOR
Brig. Gen. USA
Chief of Counsel

Murnberg: 16 May 1948
(Date)

MILITARY TRIBUNALS

Frankfurt, Germany

UNITED STATES OF AMERICA

Against

KEARNEY and Others (Case VI)

NOTICE TO ASSIGN OR REASSIGN EXHIBIT NUMBERS TO CERTAIN
DOCUMENTS

TO: The Secretary General, Military Tribunals (Room 281).

1. Three errors or omissions were made in assigning prosecution exhibit (PE) numbers to documents used before one of the two Commissioners on the 10th and 11th of May 1948. Exhibit numbers used before one Commissioner were also assigned during cross examination before another Commissioner, etc. This notice is calculated to correct these errors.

2. On 10 May 1948, Doc. No. HI-15344 was assigned PE 2380 at page 14191 of the English transcript. Since PE 2380 previously and properly had been assigned to HI-14530, the prosecution herewith moves that prosecution exhibit 2387 be assigned to Doc. No. HI-15344.

3. On 10 May 1948, Doc. No. 15128 was improperly assigned PE 2381 for identification at page 14194 of the English transcript. Since PE 2381 previously and properly had been assigned to Doc. No. HI-9511, the prosecution moves herewith to assign PE 2386 (for identification only) to Doc. No. HI-15128.

4. On 11 May 1948, at page 14533 of the English transcript, the prosecution offered in evidence an original German document (an official record concerning the crime record of the affiant Fawcettberg) which at that time had not been assigned a document number. It was not assigned an exhibit number at the time because of some confusion as to what was the next exhibit number in order. This document has been given the Doc. No. HI-15390. The prosecution herewith moves that Doc. No. HI-15390 be assigned prosecution exhibit 2382.

5. Because of a stipulation of 15 May 1948 between the

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prosecution and defense counsel for the defendants SCHULZ and
LUTHERSCHLAGER, Doc. No. HL-6800 (excepting paragraph 2, which
is not to be considered in evidence) should be assigned prosecu-
tion exhibit 2000.

By:

S. A. Spenser
S. A. SPENSER
Chief, Defense Staff Team

For:

WILFRED HALLOR
Brig. Gen. USA
Chief of Counsel

Humboldt:

18 May 1948
(Date)

Approved
20 May 1948
Walter B. Shaker
Presiding Judge

457

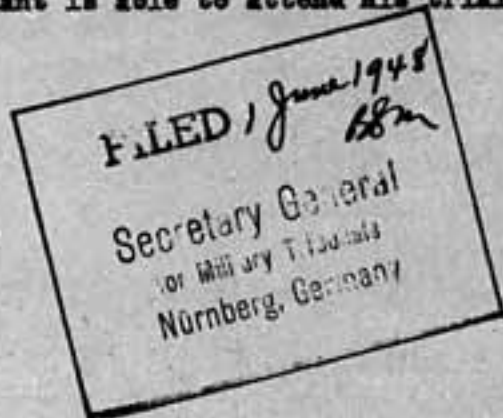
OFFICE OF CHIEF OF COUNSEL FOR WAR CRIMES
APO 696 A
MEDICAL DISPENSARY

27 May 1948.

SUBJECT: Physical Condition of defendant Hoerlein:
TO : The Military Tribunal.

Farber

The defendant Hoerlein has been returned to the Justice Prison after having had an operation for removal of a tumor from the right anterior chest wall in the region of the nipple. The wound has healed and the defendant is able to attend his trial.



Charles W. Massey
CHARLES W. MASSEY, I/LA.M.C.
Prison Physician.

458
27 May 1948

SUBJECT: Commissioner's Fifth Report
TO: United States Military Tribunal VI

FILED 1 June 1948
158m
Secretary General
for Military Tribunals
Each of the Judges
Mr. DuBois (253)
Mr. Sprecher (214)

Under directives of United States Military Tribunal No. 6, testimony of witnesses listed below was required to be taken before the undersigned Commissioner. Pursuant thereto the said Commissioner has conducted hearings at which the following witnesses have fully testified:

Date	Name of Witness	Official Transcript
16 March 1948	Fritz Goernert	9289-9305
16-17 March 1948	Gerhard Ritter	9305-9358
17 March 1948	Heinrich von Beek	9359-9376
6 May 1948	Ernst Hackemann	13736-13751
6 May 1948	Gerhard Dietrich	13752-13771
6 May 1948	Guenter Schiller	13772-13783
6 May 1948	Herbert Ulicka	13784-13797
7 May 1948	Gustav Murr	13892-13924
7-8 May 1948	Rudolf Doemming	13925-13963
8 May 1948	Max Faust	13965-14042
12 May 1948	Karl Bayer	14458-14490
12 May 1948	Fritz Schermuly	14492-14507

The following Exhibits were offered in evidence:

Exhibit	NI No.	Official Transcript
2300	14700	9336
2301	14701	9356
2348	10930	13940
2349	9819	13995
2350	14320	13745
2351	9511	13777

As provided in Order of this Tribunal dated 18 November, 1947, the Commissioner has heretofore caused a verbatim report of his proceedings, including the testimony and evidence taken before him, to be properly recorded, reported, certified to and filed in the Office of the Secretary General.

Respectfully submitted

James G. Mulroy
JAMES G. MULROY
Commissioner of Tribunal No. 6

459
①

1 June 1948

SUBJECT: Commissioner's First Report
TO: United States Military Tribunal VI

FILED
1 June 1948
Secretary General
for Military Tribunal
Nuremberg, Germany

As provided by order of the above Tribunal, the undersigned Commissioner has taken the testimony of witnesses named in his certificate attached hereto as follows:

Witness for Defense 34

Witnesses for Prosecution 1

Exhibits Admitted in Evidence: 37

Respectfully submitted

Johnson T. Crawford
JOHNSON T. CRAWFORD
Commissioner of Tribunal VI

CERTIFICATE OF COMMISSIONER

459
FILED 1 June 1948 (2)

B8m
Secretary General
for Military Tribunals
Nürnberg, Germany

Under directives of United States Military Tribunal No. 6, testimony of witnesses listed below was required to be taken before the undersigned Commissioner. Pursuant thereto the said Commissioner has conducted hearings at which the following witnesses have fully testified:

<u>Date</u>	<u>Name of Witness</u>	<u>Official Transcript</u>
8 April 1948	Walter Warlimont	10875-10907
9 April 1948	Kurt Krueger	11128-11163
12 April 1948	Karl Weber	11165-11175
12 April 1948	Paula Ester	11177-11199
13 April 1948	Ernst Struss	11293-11338
14 April 1948	& Christian Zahn	11444-11490
15 April 1948	" "	11587-11612
16 April 1948	Bernhard Schoener	11706-11723
19 April 1948	Adalbert Feindal	11827-11841
20 April 1948	Josef Grobel	11842-11860
20 April 1948	Gustav Pistor	11861-11878
21 April 1948	Emil de Haas	12098-12128
21 April 1948	Heinrich Schuh	12129-12140
23 April 1948	& Heinrich Schindler	12337-12370
28 April 1948	" "	12707-12777
26 April 1948	Walter Kikuth	12461-12498
26 April 1948	Hans Sauer	12500-12512
27 April 1948	Wilhelm Duellberg	12598-12621
29 April 1948	Theo Goldschmidt	12871-12909
29 April 1948	& Anton Reithinger	12910-12953
30 April 1948	" "	13075-13092
29 April 1948	& Rudolf von Spretty	12954-12960
30 April 1948	" "	13065-13075
30 April 1948,	Rudolf Schmidt	13093-13133
5 May 1948	& " "	13620-13629
6 May 1948	" "	13651-13719
3 May 1948	Wolfgang Alt	13246-13269
3 May 1948	Carl Gadow	13271-13291
3 May 1948	& Kurt Hartmann	13292-13316
4 May 1948	" "	13412-13450
4 May 1948	Fritz Dion	13450-13460
4 May 1948	Kurt Eisfeld	13461-13479
4 May 1948	Adolf Taub	13480-13489
5 May 1948	Ernst Struss (for Pres.)	13566-13619
6 May 1948	& Werner Schmits	13720-13735
7 May 1948	" "	13861-13891
10 May 1948	Max Winkler	14173-14193
10 May 1948	Fritz Hirsch	14195-14209
10 May 1948	Ernst Kraschewski	14210-14220
10 May 1948	& Frans Fuerstenberg	14221-14245
11 May 1948	" "	14377-14384
11 May 1948	Heinz Savelsberg	14387-14424
11 May 1948	Karl Ranscheidt	14425-14439
11 May 1948	Reinhold	14440-14455
10 May 1948	Friedrich Silcher	14182-14194

During the said proceedings the following exhibits have been offered in evidence:

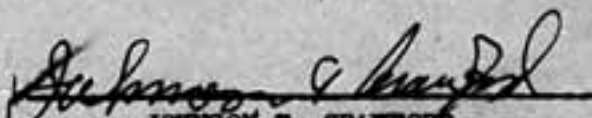
459
③

PROSECUTION EXHIBITS

<u>Exhibit</u>	<u>NI No.</u>	<u>Official Transcript</u>
2302	PS 2353 C	10899
2303	L79	10904
2304	14036	11145
2305	14034	11182
2306	15070	11183
2307	14236	11302
2309	14232	11312
2311	15062	11327
2312	15063	11330
2314	14257	11468
2315	13524	11473
2316	14256	11473
2317	14251	11485
2318	14252	11476
2319	14011	11482
2320	14039	11834
2321	13084	11848
2328	10532	12615
2329	10528	12616
2323	10907	12706
2330	13525	12733
2331	15021	12878
2332	3763	12915
2333	15145	12921
2334	15146	12923
2335	8647	12927
2336	15132	12933
2337	1514	12942
2338	14098	13106
2339	13534	13111
2340	15215	13126
2341	15260	13620
2342	15173	13286
2345	7637	13728
2346	7666	13730
2352	15290	14382
2353	15296	14392

I, the undersigned Commissioner, do hereby certify that the aforesaid official transcript pages comprise a full, true and correct report of such proceedings, testimony and evidence heard and recorded therein before me.

Dated at Nurnberg, Germany, May 28, 1948.


 JOHNSON T. CRAWFORD
 Commissioner of Tribunal No. 6

460
①

UNITED STATES MILITARY TRIBUNAL VI
SITTING IN THE PALACE OF JUSTICE, MUNICH, GERMANY
1 JUNE 1948

THE UNITED STATES OF AMERICA

- vs. -

CARL KRAUTH, et al.,

Defendants.

FILED *2 June 1948* with
Secretary General
Case No. 1
Military Tribunals
Defense Center

ORDER

The Motion of Dr. Walter Siemers, counsel for the Defendant Georg von Schnitzler, filed with the Tribunal on 29 May 1948, offering von Schnitzler Document No. 220, von Schnitzler Document No. 229, and von Schnitzler Document No. 230, as von Schnitzler exhibits 220, 227 and 228, respectively, is overruled by the Tribunal and said documents are rejected as evidence in this cause.

Curtis G. Shaker
CURTIS G. SHAKER
Presiding

Dated this 1st day of June 1948

DEFENSE NOTIFIED
2 June 1948
PROSECUTION NOTIFIED

UNITED STATES MILITARY TRIBUNAL VI
SITTING IN THE PALACE OF JUSTICE, MUNSTER, GERMANY
1 JUNE 1948

THE UNITED STATES OF AMERICA

- vs. -

CARL KRAUTH, et al.,

Defendants.

FILED *2 June 1948* with
Secretary General
U.S. Military Tribunals
Defense Center

ORDER

The Motion of Dr. Walter Siemers, counsel for the Defendant Georg von Schnitzler, filed with the Tribunal on 29 May 1948, offering von Schnitzler Document No. 228, von Schnitzler Document No. 229, and von Schnitzler Document No. 230, as von Schnitzler exhibits 228, 229 and 230, respectively, is overruled by the Tribunal and said documents are rejected as evidence in this cause.

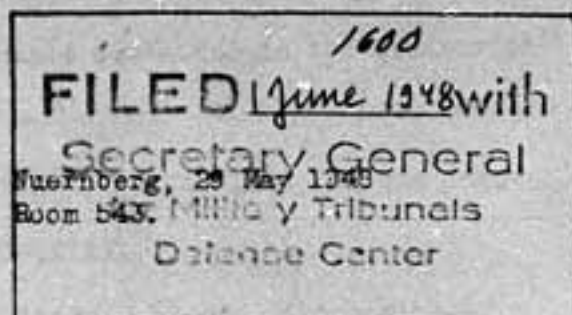
Curtis C. Shaker

CURTIS C. SHAKER
Presiding

Dated this 1st day of June 1948

DEFENSE NOTIFIED
2 June 1948
PROSECUTION NOTIFIED

Dr. Walter Siemers, Attorney,
Defense Counsel for defendant
Dr. Georg v. Schnitzler,
Case VI.



To the American Military
Tribunal No. VI,
Nuremberg, Palace of Justice.

M O T I O N

In connection with my motion of 23 May 1948 concerning the affidavit of Dr. Max Jlgner (Schnitzler Document No. 226, Exhibit No. 224), and concerning the Tribunal's reconsideration of their decision of 2 September 1947 pertaining to the pressure exerted on Dr. Georg von Schnitzler in 1947, I offer proof for the fact that interrogations in Nuremberg are based on a standard procedure designed to extort testimony from witnesses or defendants by intimidations or threats of dangers and other evils. In proof of that I offer:

- 1) Schnitzler Document No. 228, Transcript of the interrogation of Friedrich Gous by Dr. Kempner and Mr. Bouvais on 6 March 1947 and 11 August 1947.
- 2) Schnitzler Document No. 229, Transcript of the interrogation of Eberhardt von Thadden on 3 March 1948 (proceedings against Weissaecker et al, American Military Tribunal IV, Case 11).
- 3) Schnitzler Document No. 230, Affidavit of Werner von Hoven of 17 March 1948 concerning the interrogation by Mr. Josif Marcu, Jr. and Mr. Emil L. Tislowitz, members of the Nuremberg Prosecution staff.

(Page 2 of original)

I request that these 3 documents be admitted into evidence, and be assigned Exhibit numbers 226, 227 and 228.

I furthermore refer to 2 cases contained in the transcript
of the Farben trial, namely

a) case Gattineau, transcript of 22.4. 1948, German page
12425-12428, English page 12185-12187.

b) interrogation of the witness Schieber, transcript of
14.1 1948, German page 5293, English page 5264.

Humbly,

Signature

(Dr. Siemers)

Annexes.

I herewith certify that the attached excerpts are a correct copy of the interrogation of Friedrich GAUS on 6 March 1947 from 1400 until 1630 by Dr. KEMPNER and Mr. BOUVAIS.

Muernberg, 12 May 1948.

Signature

(Hilmar BECKER)
Attorney at Law

....

4. Q. Why aren't you well?

A. I am in solitary confinement.

5. Q. How long?

A. Tomorrow it is going to be four weeks.

....

9. Q. Today I am going to talk to you about your future. What's your idea? Is there anything I can do for you? Do you have a request, Herr Gaus?

....

(Page 2 of the transcript)

A. When my son visited me, he was told, it seems by some colonel, that I should make an application to be released and make a declaration that I would be willing to testify voluntarily at any time.

11. Q. What then?

A. I was brought to Ludwigsburg and there I was told that I would have to turn to Nurnberg for that matter and express myself on it.

12. Q. Well, things aren't as simple as that. The Russians are interested in you. Do you know that?

A. The Russians?

13. Q. Yes. As professional violator of international treaties.

A. No, that is not correct in the least. My God!

....

(Page 4 of the transcript)

31. Q. Who are the next accomplices in the Foreign Office? It is no use to spare the people.

A. I give you my word to say everything exactly. By the life of my old mother, my wife and my children, I am saying the truth.

In some things it is improbable that one knew nothing about the facts. Speaking in a surely human way, I am reproaching myself that I haven't bothered more about these things.

32. Q. Better if we finish these things with you. Before what kind of court would you rather stand - a German, a Russian, an English, or an American?

A. Whether English or American is indifferent to me, main thing I stand before competent people, even before Germans.

33. Q. With us you have the confidence that you are going to be sentenced justly?

A. I hope so.

(Page 5 of the transcript, Page 2 of the original)

49. Q. You were the only one for Ribbentrop? You have covered him with your name. Now listen to what I am putting to you. If I know, and you did know, that the man is a murderer, I am not going to stay with such a man.

A. You are right that the man was a murderer.

50. Q. You must think it over. The only way that you save your head is to tell the truth; or do you want to go to the gallows as right hand? You know the old German law: Caught together, hang together.

A. I can't conceive of that.

51. Q. That you should have learned earlier, the last twenty years. Only truth can save you.

A. I am not going to stand here with a lie. I swear to you that I am seeking the pure truth.

52. Q. There is no point in committing perjury. If I could save my head, I would commit any perjury. You must help us to clear waters up.

A. I give you my word on that.

...

57. Q. Who was Undersecretary of State?

(Page 8 of the transcript)

A. Weizsaecker.

58. Q. Then?

A. Steengracht.

59. Q. Did he participate much?

A. Weizsaecker was allegedly quite a different man from Ribbentrop.

70. Q. How could he sign everything?

A. How he came to it? He believed to be able to prevent many things. I don't believe that he has committed a wrong. I can describe only one thing, that was the invasion of Denmark and Norway.

71. Q. Has he approved it?

A. That I don't know. That he had supported Ribbentrop in criminal things or consented, that I cannot say.

...

(Page 9 of the transcript.)

85. Q. There was still a jurist assistant, that was Herr Albrecht in your department, safe-crackers and murderers. Who else are we going to take?

...

(Page 12 of the transcript)

113. Q. Well, let's finish for today. I'll tell you something.

A. Don't extricate me to the Russians.

114. Q. If you say the pure truth? Yes? Untruth comes out very quickly with us. You can rely on that. Very quickly it comes out. Is that clear? The breach of treaties is clear to you? What are the vilest things, write them down for us. Then we are interested in how it came to the conclusion of the Russian treaty in 1939. From the old briefs it isn't clear to us who first had the idea, and what role Ribbentrop played in that matter, how Lammer came to that immense power and then W. Bohle.

How you know our ways?

In a week or so we are going to meet again. Get down to work and then we shall see.

...

Interrogation of FRIEDRICH GAUS
on 11 August 1947 by Dr. R. G. J. Kempner.

Present: Miss Jane Lester, Research Analyst,
Helo Kerl, Stenographer

(Page 6 of transcript)

Q. Who was Pol. 4, 1938? Of the Leandergruppen? Well, think it over again. Get it down on paper. It may cost you your head.

A. But Herr Professor!

I, Dr. Walter Siemers, attorney at law, Hamburg, at present defense counsel with the American Military Tribunal, Nuernberg, certify herewith that the enclosed document:

Examination of the witness Eberhardt von Thadden

is a true and correct copy of the transcript of the session of Military Tribunal IV, Case 11 (Proceedings against Weizsaecker et al), Nuernberg, Germany, on 3 March 1948, 9:30 - 12:15, pages 2745 and 2762/63. (The underlining of passages was made by the defense).

Nuernberg, 18 May 1948

Signature

(Dr. Siemers)

Excerpt from:

Transcript of the session of
Military Tribunal No. IV, Case XI
(proceedings against Weizsaecker et al)
Nuernberg, Germany, on 3 March 1948,
9:30 - 12:15
Pages 2745 and 2762/63

Page 2745

DIRECT EXAMINATION OF THE WITNESS EBERHARD VON WEANDEN
BY MR. GERSTHOFFER:

Q Witness, will you please state your full name for the
Tribunal?

A Eberhard von Weanden.

Q What is your age?

A I am 33.

Q What is your profession?

A I was Legation Counselor in the Foreign Office.

Q Witness, on the 2nd of December, 1947, you were interro-
gated under oath and you have signed an affidavit. Do you
maintain that affidavit in its entirety?

A Yes, I can maintain the statement in its entirety.

MR. GERSTHOFFER: Your witness.

(Page 2 of the original)

Pages 2762/63

BY DR. SCHMIDT-LEICHTNER:

Q Witness, do you know how long the discussions in the Mosny
case went on?

A Not from my knowledge at the time.

Q Did you know when the act was actually done?

A No. I heard for the first time that the act was done through Dr. Kempner in 1946.

Q You were interrogated in 1946, were you, in this matter?

A Yes.

Q May I ask you whether you were interrogated at the time - inasmuch as you could find out about that - concerning some indictment of the future or as a witness? Were you quite clearly told at the time?

A The reason why I was interrogated at the time was not quite clear to me. Later on, in September - no, excuse me, by the end of August - I was once again interrogated in this affair, and it was then my impression that these interrogations were done for the IMF trial.

Q Were you told in any way in the course of your interrogation that in this Mosby matter you might expect to be extradited to the French authorities?

A Yes, yes.

Q Would you please describe this to the Tribunal?

A I was told in these interrogations that I could choose between giving a full confession or being handed over to a French court where I could expect a death sentence for certain. I was allowed a 24-hour period of time in which to make my decision.

DR. SCHMIDT-LEICHER: Thank you very much. I have no further questions.

PRESIDING JUDGE MAGUIRE: Any further cross examination?

Sulzbach-Rosenberg

17 March 1948

I state under oath the following:

My name is Werner von Movent; I reside in Sulzbach-Rosenberg, Mitte, No. 2 L. I am an assistant judge, and Doctor of Law, and from 1 August 1934 until 31 December 1944 I was legal consultant for the Eisenwerksgesellschaft Maximilianshütte, A.G. in the Sulzbach-Rosenberg hütte. I dealt with legal matters of all sorts, and in particular with social questions. My separation from the plant followed my resignation.

On 19 and 20 December 1945 Herr Josef Marcu Jr. appeared in my house in Sulzbach-Rosenberg with, so far as I know three of his colleagues. The gentlemen made their appearance in the evening of 19 December 1945, and Herr Marcu told us to prepare a description of my activities in the Maximilianshütte and in the Flick Combine, as well as of the key men in the Maximilianshütte and of questions concerning the combine, and to do so by the next morning. Herr Marcu stated that I was not at liberty to leave the city of Rosenberg before the next day. Although I asked Herr Marcu the reason for this measure, he gave none. The morning of 20 December 1945 the gentleman re-appeared and took from me the description I had in the meantime prepared. On my inquiry Herr Marcu stated that I should continue to remain under house arrest indefinitely, until it was explicitly lifted by the Military Government.

On 14 March 1946 the German police arrested me in my home and gave me fifteen minutes to prepare to leave. When I asked the reason for the arrest I was told that I was to be taken to Frankfurt for interrogation; it would last three or four days at the most; consequently, I need take nothing along and also my meals would be taken care of. I was taken to the police prison in Sulzbach, and the next morning, in the company of Herr O. E. Flick and Herr Walter Leermann, who had like-

wise been arrested the day before, I was taken in an American vehicle to Frankfurt. Because of an accident, in which Herr Laermann, was severely injured, it was not until 16 March that we arrived in Frankfurt. During the entire trip we received nothing whatsoever to eat or drink. In Frankfurt we were kept in the police prison until 20 March 1946 where we were squeezed into very close quarters, at times four men in a single cell with one straw sack, with gigolos, blackmailers and other criminals of that sort.

At noon of 20 March 1946 Herr O. E. Flick and I were taken to Herr Marcu in the Reichsbank, Frankfurt; handcuffs were put on Herr Flick, in which he was led to and from the vehicle across the street. The American sergeants Emil L. Tislowitz and Daniel Petrovich were in charge of us when we were taken to the Reichsbank.

Exhibit No.

I asked Sgt. Tislowitz repeatedly why I was under arrest. He at first expressed amazement that I did not know, and finally said that I was to be turned over to the Russians. I also asked Herr Marcu this question when I was brought into his presence. He merely replied that I had been arrested for other reasons than Herr Flick.

On 20 March 1946 I, with other internees, was transferred to the American Military Prison Frankfurt-Freungsheim, where I remained until 9 November 1946 i.e. until I was taken to Nurnberg. During the first weeks we were taken to the Reichsbank building only when we were to be interrogated or had to see a doctor. Later on we had to sit for the whole day, from 9 a.m. until late afternoon, in the Reichsbank, although we were not needed there.

I myself was interrogated by Herr Tislowitz on 3 May 1946. In addition I was interrogated by Herr Tislowitz about six more times in the entire period until 9 November.

In these interrogations Herr Tislowitz charged me particularly with being responsible for the fact that slave laborers were mistreated in the Maxhuetten Plant; he charged that we made use of the Gestapo to maintain discipline in the plants, and that prisoners of war were put to work although they were seriously ill, and therefore died. In every interrogation Herr Tislowitz shouted at me and accused me of evading his questions, although I repeatedly pointed out to him that he had no idea at all what work in an iron foundry was like. In other ways also Herr Tislowitz seized every opportunity of placing me under duress. For example, he said to me on 28 May 1946, "Herr von Hoven, I advise you to let your wife visit you." When I replied that he knew perfectly well from my letters that my wife could not come he continued, "You are in a serious position." I said, "Why so; I can find no reason for that?" He answered, "You know, because of the Russian prisoners of war, etc. You don't know whether you will see your wife again. You will be hanged."

On 11 June 1946 Herr Tislowitz stated in an interrogation that I was responsible for the slave labor program, asserting that I was being evasive during the interrogation. He shouted at me again, threatened me with severe consequences, and reiterated that I would be hanged. On 12 June 1946 Herr Tislowitz declared that in his opinion I was the only one of the prisoners whose hands were stained with blood.

On 18 June 1946 Herr Tislowitz stated that I had committed perjury and would therefore be punished. Discharge was based on the fact that I had truthfully stated that we never made use of the Gestapo to maintain discipline in the plants.

On 24 June 1946 Herr Tislowitz showed me a considerable number of photographs of the Rosenberg Plant, so that I might tell him who the people in the pictures were. Afterwards he said, "Well, today things went off very well; you didn't get excited." I replied, "If you behaved decently to me I don't have to get excited. Why do you behave toward me the way you do?" His answer was, "If I act differently with you the boss will throw me out, and you will get another interrogator." Thereupon Herr Tislowitz left, obviously in a rage. I might remark that undoubtedly Herr Marcu was meant by the "boss."

On 9 November 1946 I was taken to the military prison in Nurnberg along with Herr O. E. Flick, Dr. Friedrich Flick, and Herr Konrad Kaletsch. I remained in solitary confinement until 31 May 1947, and was permitted to speak with no one. In my single cell there were only a cot, eating and washing utensils, and toilet, and nothing else. I had to sleep, sit during the day, and eat on the cot; indeed, I was not even given a table or chair to fill out the long questionnaires for the prosecution. During the very severe winter of 1946-1947 there was often no heat for days at a time, and generally the heat was turned on only at very infrequent intervals for a quarter of an hour or so.

Exhibit No.

It was so cold in the cell that we had to wear a blanket even during the day. Very frequently so much noise was made at night that it was impossible to sleep, since the guards, obviously under the influence of alcohol whistled, sang, played the victrola or radio, and continually banged with their wooden sticks on the cell doors, bannisters, and heating pipe. Proof; my letter of 5 January 1946, a copy of which is attached, through the Prison Commander Major Teich. There were guards there who frequently addressed us with such expressions as, "Fucking Heinie, son of a bitch." Often we were not allowed outside for days at a time.

Until the middle of May 1947 the food was wholly insufficient. For instance during the Christmas holidays of 1946 and on New Years 1947 there was not even bread. For breakfast there was only a very thin cereal. Every three or four weeks three or four pieces of our clothing were washed, so that we were obliged to wash socks and handkerchiefs continually in the cell for ourselves. Since we got fresh water for washing and drinking only twice a day,

from dirty, rusty containers, we had to use our food dish to scoop out of the toilet the water necessary for washing.

On 4 March I was weighed for the first time. At that time I still weighed 81 kilograms, whereas on 25 July 1947 I weighed only 76.5.

On 14 February 1947 the prisoner Wagner, who was acting as interpreter, informed us, by order of the sergeant in charge, that when taking walks we were to stay five yards apart; otherwise the guards would take action.

The inadequate food had very deleterious effects on my heart condition (weak heart muscles). I often suffered continuous headaches for days at a time. Consequently I repeatedly asked for treatment by a heart specialist, addressing myself in writing to the prison officials and orally to the prison doctors, Dr. Plaecker and Dr. Standke. I received no answer at all from the prison officials and Dr. Standke told me on 19 February 1947 that nothing could be done unless there was an acute danger of my dying. The prison doctors never gave me a heart examination but simply took my pulse, and gave me either digitalis or luminal pills.

On the evening of 28 March 1947 an American guard opened the door of my cell with a great racket and shouted, "Come on out to be hanged." He said this in German and made an appropriate gesture. When I went to the door he began to laugh.

On Good Friday, 4 April 1947, although at that time the indictment for the Flick Trial had been drawn up long ago, and although it had been established that I could not be indicted, I was transferred to the Criminal Wing, where the treatment was most particularly severe. I remained there until 31 May 1947. On that day I was transferred to the Witness Wing II, so that in toto I was kept in solitary confinement in Murnberg for about seven months.

On 6 August 1947, ostensibly for release, I was taken to the Internment Camp at Dachau, where I was first locked up for three days in the bunker. More than 20 persons were quartered in a room 6 yards long and 4 yards wide. On 7 August 1947 all the tables and chairs were removed from this room. Since we were not permitted to sit on the beds we had to sit on the floor, even when eating. As Mr. Eric Kaufmann, a member of the prosecution at Murnberg, alleged, I had been transferred to Dachau through an error. Three and a half weeks were necessary to correct this error, so that finally, on 29 August 1947 I was released.

- ha -

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Both in Frankfurt and later in Nurnberg I repeatedly asked to be allowed to get in touch with a lawyer. Herr Tislowitz always refused this request, stating that such could be permitted only if one had been indicted.

On 15 December 1946 I wrote a letter to Brigadier General Telford Taylor, and on 7 January 1947 I also wrote to Mr. Charles M. La Follette, who, I was told was in charge of the industrialists' trials, requesting that I be released from my wholly unjustified arrest. I never received an answer to either letter.

In September 1947 I applied to the Military Government in Sulzbach-Rosenberg, 1st Lt. Carl R. Hansen, inclosing written confirmation by the competent notary public, for an interzone pass to the French Zone, in order to settle certain inheritance matters. Although the competent German authorities had confirmed that no exception could be taken to the trip, and although a military government regulation had been published in the "Neue Zeitung," a paper put out by the American occupation authorities, to the effect that even nominal Party members could be given interzone passes in cases of emergency, even though they had not yet been denazified by their local Denazification Court, Lt. Hansen turned down this request, remarking that I was politically suspect. Lt. Hansen brushed aside my reference to the above mentioned newspaper notice with the statement that it was erroneous. I then found out from the military government in Heidelberg that this notice was not erroneous and that, on the contrary, the local military government in Sulzbach-Rosenberg should have issued me the pass I had applied for.

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(2)

Schnitzler No. 230

Exhibit No.

The fact that I am allegedly politically suspect lies in my having been a Party member since 1 May 1939. I exercised no functions within the Party or its affiliations, since I performed no active duty, I was expelled from the SA Reserve, of which I was a member of 1933 on.

(Signed) Werner von Hoven.

I certify herewith that the above affidavit is a verbatim copy of the original.

Frankfurt 12 May 1948

(Signature) Dr. jur. R.R. STROTH

O - End -

CERTIFICATE OF TRANSLATION.

I, Siegfried Ramler, ETO 34 429, herewith certify that I am a duly appointed translator for the German and English languages and that the above is a true and correct translation of the Defendant von Schnitzler.

Munich, 1 June 1948.

Siegfried Ramler
ETO 34 429.

- 5a -

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(L)

Schnitzler No. 230

Exhibit No.

The fact that I am allegedly politically suspect lies in my having been a Party member since 1 May 1939. I exercised no functions within the Party or its affiliations, since I performed no active duty, I was expelled from the SA Reserve, of which I was a member of 1933 on.

(Signed) Werner von Hoven.

I certify herewith that the above affidavit is a verbatim copy of the original.

Frankfurt 12 May 1948

(Signature) Dr. jur. R.R. STROTH

O - End -

CERTIFICATE OF TRANSLATION.

I, Siegfried Ramler, WFO 34 429, herewith certify that I am a duly appointed translator for the German and English languages and that the above is a true and correct translation of the Defendant von Schnitzler.

Munich, 1 June 1948.

Siegfried Ramler
WFO 34 429.

- 5a -

Dr. Walter Siemers
Rechtsanwalt

Nuernberg, den 29. Mai 1948
Zimmer 543

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①
S/P

Verteidiger fuer den Angeklagten
Dr. Georg von Schnitzler
Case VI

An den
Amerikanischen Militaer-
gerichtshof No. VI

N u e r n b e r g
Justizpalast

M o t i o n

In Verbindung mit meiner Motion vom 28. Mai 1948 betreffend Affidavit von Dr. Max Jlgner (Schnitzler Dok.Nr. 226, Exhibit Nr. 224) und betreffend Ueberpruefung der Entscheidung des Hohen Gerichts vom 2. September 1947 wegen des Druckes auf Dr. Georg von Schnitzler im Jahre 1947 biete ich Beweis dafuer an (offer of prove), dass den Vernehmungen in Nuernberg ein einheitliches System zugrunde liegt, um von Zeugen oder Angeklagten durch methodische Einschuechterungen und Androhungen von Gefahren und sonstigen Uebeln Aussagen zu erhalten. Zum Beweise dafuer biete ich an:

1) Schnitzler Dokument Nr. 228

Protokoll ueber die Vernehmung des Friedrich GAUS durch Dr. Kempner und Mr. Bouvais am 6. Maerz 1947 und vom 11. August 1947;

2) Schnitzler Dokument Nr. 229

Protokoll ueber die Vernehmung des Eberhardt von THADDEN am 3. Maerz 1948 (Prozess gegen Weizsaecker u.a., Amerikanischer Militaergerichtshof IV, Fall 11);

3) Schnitzler Dokument Nr. 230

Affidavit des Werner von HOVEN vom 17. Maerz 1948 betreffend Vernehmung durch Mr. Josif Marcu jr. und Mr. Emil L. Tislowitz, Mitglieder der Prosecution Nuernberg

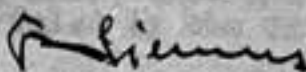
mit der Bitte,

diese 3 Dokumente als Beweismittel anzunehmen
und mit den Exhibit-Nummern 226, 227 und 228
zu versehen.

Ich darf ferner verweisen auf 2 weitere Faelle, die im I.G.-
Prozess, Case VI, im Protokoll enthalten sind, naemlich

- a) Fall Gattineau, Protokoll vom 22.4.1948,
dt.S. 12425-12428, engl.S. 12185-12187;
- b) Vernehmung des Zeugen Schieber, Protokoll vom 14.1.1948,
dt.S. 5293, engl.S. 5264.

Ergebenst



(Dr. Siemers)

Anlagen

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UNITED STATES MILITARY TRIBUNAL VI
SITTING IN THE PALACE OF JUSTICE, NUREMBERG, GERMANY
1 JUNE 1948

THE UNITED STATES OF AMERICA

- vs. -

CARL KRAUTH, et al.,

Defendants.

FILED *2 June 1948*
Secretary General
for Military Tribunals
Defense Counsel

ORDER

The motion of Dr. Helmut Dix, counsel for the Defendant Schneider, to strike from the evidence Prosecution's Exhibits 919, 1228, 1229, 1233 and 1418, filed on 31 May 1948, is now overruled by the Tribunal.

Curtis S. Blake
CURTIS S. BLAKE
Presiding

Dated this 1st day of June 1948

DEFENSE NOTIFIED
2 June 1948
PROSECUTION NOTIFIED

461
②

MILITARY TRIBUNALS

Nurnberg, Germany

UNITED STATES OF AMERICA

Against

KRAUCH and Others (Case VI)

ANSWER TO A MOTION TO STRIKE CERTAIN SCHNEIDER EXHIBITS

TO: The Secretary General (Military Tribunals) Room 281.

1. Answer is made to a motion by Dr. H. Dix, counsel for the defendant SCHNEIDER, dated 31 May 1948, filed before the Tribunal this morning, to strike five prosecution exhibits, all affidavits of the defendant SCHNEIDER.

2. The prosecution objects to this motion for several reasons:

(a) The motion is not timely, and it amounts to an effort to change the record in the case in a manner not within the reservations granted to the parties at the time the hearing proper was closed on 11 May 1948. Defense counsel could have made any objection to these exhibits at an earlier time, under the rulings of the Tribunal in late August and early September 1947. Any rulings thereon could then have been met by the prosecution, which now would be caught by surprise by any change in the record in this connection and presumably prevented from taking steps to supplement the record in order to fill in any gaps created.

(b) The defendant SCHNEIDER took the stand and did explain his view of the circumstances. These exhibits, like other exhibits long in evidence, have been the basis for considerable amounts of testimony. It would be impracticable at this stage to strike the exhibits without editing the record on a number of points. Thereafter, it would be necessary to decide what relief should be granted to the prosecution, and possibly to other defense counsel, to have an opportunity to present the full truth concerning the matters involved.

(c) The motion does not state any substantive grounds ~~and~~
CERTAINLY NONE
which have not been before the Tribunal since August or September
and certainly no substantive grounds which have not been before
the Tribunal since the defendant SCHNEIDER testified in February
1948.

(d) Even if there were any substantive grounds in the
objection, had it been made at a proper time, any such grounds
have been corrected by the defendant's taking the stand and
testifying concerning the matters in question.

By



D. A. SPEECHER
Chief PARREN TRIAL TEAM

Murnberg 1 June 1948
Date

For:

TELFORD TAYLOR
Brig. Gen. USA
Chief of Counsel

Warwick
Dr. Helmut D i x

461
④
Nuremberg, May 31, 1948.

To: Military Tribunal No. VI
Justice Palace,
Nuremberg.

Case No. 6;
United States of America
against
K r a u c h and Others.

Re: Motion for striking the affidavits of the defendant S c h n e i d e r:
Prosecution Exhibits 917, Vol. 49,
1328, Vol. 68,
1329, Vol. 68,
1333, Vol. 69,
1418, Vol. 72.

I hereby move to strike the afore-mentioned affidavits on the following grounds:

The defendant Schneider during his examination in chief testified on February 19, 1948 -in particular with reference to his affidavits Prosecution-Exhibits 1328, 1333 and 1418- the following (Transcript pages 7403 - 7405), quote:

"I have to tell how this affidavit was drawn up. As you have already told the Tribunal, apart from several interrogations lasting a short time, I was interrogated especially on 27 and 28 March 1947, beginning at a quarter to six in the afternoon until a quarter past one in the morning, seven and a half hours uninterruptedly, by two interrogators. The record of this interrogation comprised approximately 120 pages and was shown to me at another night interrogation on April 1947, which interrogation also lasted five and a half hours. I had to look it through, and I signed it.

In the course of these interrogations a large number of questions were fixed at me without interruption, dealing with the social-welfare problem of Farben. It was not possible for me to answer these questions adequately from my own knowledge, since they were, to a large extent, handled by department chiefs and plant leaders. I did not have any documents at my disposal. Moreover, my memory was not very good. Furthermore, many legal problems were brought up that I really could not judge thoroughly. When I pointed all this out, I was charged with being untruthful and was threatened with being taken away.

The questions were, to a large extent, leading. In the consciousness of a correct and just attitude in social-welfare questions and the same attitude on the part of my colleagues, and the Farben plant leaders, I was put into an excited condition in the course of the long interrogation. Also, I was unbearably exhausted because of the length and the nature of these night interrogations.

I believed, however, that I could not refuse to testify, since I knew that I had to testify because of the laws of the Military Government.

The affidavits were drawn up in this way: They were dictated by the Prosecution and submitted to me for signature. Since, as I said, I was not able to recall the circumstances very well, and since I could not

Judge the legal questions authoritatively, I did not see how I could argue most of the things asked, and I signed them.

For these reasons it has to be understood that a large number of statements are contained in my affidavits which I can no longer or only to a certain extent maintain, after gaining knowledge of the documents, after studying the law, and after conversations with my colleagues, and by reason of the many affidavits of former associates. The inaccuracies did not stem from any deliberate untruthfulness, but they are to be explained by my poor memory and the circumstances of the interrogation. Sometimes the inaccuracy is obvious."

End of quotation.

The defendant Schneider has testified on the afore-mentioned five affidavits on the following pages of the Transcript:

On Prosecution-Exhibit	917	Transcript page	7368
"	"	"	"
"	1328	"	7405 and follow.
"	"	"	"
"	1329	"	7402
"	"	"	"
"	1333	"	7430 and follow.
"	"	"	"
"	1418	"	7443 and follow.

As follows from the above-quoted testimony of the defendant Schneider, he has given the above-said affidavits only because he was under the impression that he was compelled by the strict provisions of Ordinance No. 1 of the U.S. Military Government to do so. This Ordinance was published all over Germany some time before his arrest which took place during the winter 1946/1947. In view of the fact that the defendant Schneider was requested to give these affidavits in March and April 1947 quite obviously for the reason to be used as evidence in this trial, it is the position of his Defense that he ought to have been informed about the fact that he was not liable under Ordinance No. 1 to give any statements which might be used against him in a subsequent trial.

Therefore these affidavits have been brought about by a legally unjustified coercion and therefore must be stricken.

Reference is made to Court Letter No. 2 of January 10, 1948, of the Office of Military Government for Germany (US) Office of Military Governor and to page 53/54 in "The Articles of War" by Mr. Leo S. Tillotson.

Dr. Helmut Dix
(Dr. Helmut Dix)

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UNITED STATES MILITARY TRIBUNAL VI
SITTING IN THE PALACE OF JUSTICE, MUNSTER, GERMANY
1 JUNE 1948

THE UNITED STATES OF AMERICA

- vs. -

CARL KRAUCH, et al.,

Defendants.

FILED *2 June 1948* with
Secretary General
for Military Tribunals
Defense Center

ORDER

The Motion of Dr. Walter Glemers, counsel for the Defendant Georg von Schnitzler, on 28 May 1948, is overruled in part and sustained in part as follows to wit:

The affidavit of Lilly von Schnitzler, marked von Schnitzler Document No. 27, and offered for identification as von Schnitzler Exhibit No. 50, is now admitted in evidence as von Schnitzler Exhibit No. 50. The affidavit of Lilly von Schnitzler, dated 28 May 1948, marked von Schnitzler Document No. 227, and offered as von Schnitzler Exhibit No. 225, is rejected and the same is not admitted in evidence.

Curtis S. Shaker
CURTIS S. SHAKER
Presiding

Dated this 1st day of June 1948

PROSECUTION NOTIFIED
2 June 1948

DEFENSE NOTIFIED

OF 11 MOTIONS

Dr. Walter Siemers, Attorney,
Defense Counsel for the defendant
Dr. Georg von Schnitzler,
Case VI.

462
1600
FILED 1 June 1948 with
Motion for
defendant von Schnitzler.
to be admitted
to evidence

Nurnberg, 28 May 1948
Room 543

To the
American Military Tribunal No. VI
Nurnberg, Palace of Justice.

MOTION

With reference to the Tribunal's conversation with Mr.
Sprecher and myself in the presence of Dr. v. Keller and Dr.
Mueller on 24 May 1948, I move that the

Affidavit of Frau Lilly v. Schnitzler of 8.3. 1948,
Schnitzler Document No. 27, Identification No. 30, in
Document Book II be admitted into evidence as Schnitzler
Exhibit No. 30.

The affidavit deals with Frau v. Schnitzler's arrest on 16
June 1945 in Frankfurt/M, Taunus Anlage 6, describing the undigni-
fied circumstances. I offered this document on the 29th of April
1948 (Transcript, German page 13221, English page 12866). On the
basis of the Prosecution's objection the document was only assigned
an identification number, the Tribunal pointing out that the affi-
davit would have to be rejected, but adding that I would be per-
mitted to reoffer the document if I could bring additional evi-
dence to the effect that the defendant was informed of these
facts at the time he was interrogated in 1945. In the meantime
(Page 2 of original)
I have been able to bring this evidence and I am referring to
the testimony of the witness Haeffliger in the examination of 11
May 1948 (Transcript, German page 14648/49, English page 14306/7).

Beyond that I am submitting an additional affidavit of Frau
Lilly v. Schnitzler of 26 May 1948, supplementing her previous
affidavit of 8 March 1948. I ask that this affidavit be admitted
into evidence as Schnitzler Document No. 237, and be assigned
Exhibit No. 235.

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12

Motion for defendant
von Schnitzler

Having proceeed this additional evidence, I believe that my motion for the admission of Exhibit 37 is justified, because the facts contained in this document must have caused an inadmissible pressure on Dr. von Schnitzler during his interrogation by American interrogators.

Humbly,

(Dr. Siemers)

Annex.

A F F I D A V I T

I, Lilly von Schnitzler, residing at Frankfurt/M,
Windmuehlstrasse 16, have been duly informed that I shall
be liable to punishment if I depose an untrue affidavit.

Supplementing my affidavit of 8 March 1948 I state the
following under oath:

My arrest and transfer into the women's prison Klapperfeld
took place on the 16 June 1945. I was released on 21 June 1945,
and a few days later I was given permission to speak to my
husband in the building of Taunus Anlage 6. I found out
during that conversation that my husband was informed about
the circumstances of my arrest, whereupon I also told him all
further details. He was deeply affected.

Nuernberg, 26 May 1948.

Signature

(Lilly von Schnitzler)

I, Attorney Dr. Walter Siemers, hereby affirm and certify
to the above signature of Frau Lilly v. Schnitzler residing at
Frankfurt/M, Windmuehlstrasse 16.

Nuernberg, 26 May 1948.

Dr. Siemers

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16

Motion for defendant von
Schnitzler.

CERTIFICATE OF TRANSLATION.

I, Siegfried Ramlor, ETO 34429, herewith certify that I am a duly appointed translator for the English and German languages and the above is a true and correct translation of the Motion for the Defendant von Schnitzler.

Munich, June 1, 1948.

Siegfried Ramlor
ETO 34 429

Dr. Walter Siemers
Rechtsanwalt

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12
Nuernberg, den 28. Mai 1948
Zimmer 543 S/P

Verteidiger fuer den Angeklagten
Dr. Georg von Schnitzler
Case VI

An den
Amerikanischen Militaer-
gerichtshof NO. VI

N u e r n b e r g
Justizpalast

M o t i o n

Unter Bezugnahme auf die Besprechung des Hohen Gerichts mit
Mr. Sprecher und mir in Gegenwart von Dr.v.Keller und Dr.Mueller
am 24. Mai 1948 beantrage ich,

das Affidavit von Frau Lilly von Schnitzler vom 8.3.1948,
Schnitzler Dok.Nr. 27, Identifikations-Nr. 30, im Do-
kumentenband II, als Beweismittel, und zwar als Exhibit
Schnitzler Nr. 30, zuzulassen.

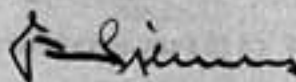
Das Affidavit behandelt die Verhaftung von Frau von Schnitzler am
16. Juni 1945 in Frankfurt/M., Taunus-Anlage 6, unter Schilderung
der unwuerdigen Begleitumstaende. Dieses Dokument bot ich am
29. April 1948 (Protokoll, dt.S.13211, engl.S.12866) an. Das Doku-
ment wurde auf Grund einer Objection der Prosecution nur mit einer
Identifikations-Nummer versehen, wobei das Hohe Gericht darauf hin-
wies, dass das Affidavit zurueckgewiesen werden muesste, jedoch
hinzufuegte, dass ich das Dokument nochmals anbieten kann, wenn
ich einen zusaetzlichen Beweis fuehren koennte, der dahin geht,
dass der Angeklagte Kenntnis von diesen Tatsachen damals bei sei-

nen Vernehmungen im Jahre 1945 erhielt. Inzwischen habe ich diesen Beweis gefuehrt und beziehe mich auf die Aussage des Zeugen Haeffliger in der Vernehmung vom 11. Mai 1948 (Protokoll dt.S.14548/49, engl.S.14304/7).

Darueber hinaus ueberreiche ich ein zusaetzliches Affidavit von Frau Lilly von Schnitzler vom 26. Mai 1948, wodurch ihr frueheres Affidavit vom 8.3.1948 ergaenzt wird. Aus diesem ergibt sich ebenfalls der zusaetzliche Beweis. Ich bitte, dieses Affidavit als Schnitzler Dok.Nr. 227 als Beweismittel zuzulassen und mit der Exhibit-Nummer 225 zu versehen.

Nachdem ich den zusaetzlichen Beweis gefuehrt habe, glaube ich, dass mein Antrag auf Zulassung des Beweismittels Exhibit 30 berechtigt ist, weil die in diesem Dokument enthaltenen Tatsachen notwendigerweise einen unstatthaften Druck auf Dr. von Schnitzler waehrend seiner Vernehmung durch amerikanische Interrogatoren ausgeuebt haben.

Ergebenst



(Dr. Siemers)

Anlage

462
(9)

Eidesstattliche Versicherung.

Ich, Lilly von Schnitzler, wohnhaft in Frankfurt am Main, Windmühlstrasse 16, bin darauf aufmerksam gemacht worden, dass ich mich strafbar mache, wenn ich eine falsche eidesstattliche Erklärung abgebe. Ich erkläre an Eidesstatt, dass meine Aussage der Wahrheit entspricht und gemacht wurde, um als Beweismaterial dem Militärgerichtshof Nr. VI im Justizpalast Nuernberg, Deutschland, vorgelegt zu werden.

In Ergänzung zu meinem Affidavit vom 8. März 1948 erkläre ich folgendes an Eidesstatt:

Am 16. Juni 1945 erfolgte meine Verhaftung und Verbringung in das Frauengefängnis Klapperfeld. Am 21. Juni 1945 wurde ich entlassen, und wenige Tage darauf hatte ich Sprecherlaubnis mit meinem Mann in dem Gebäude der Taunus-Anlage 6. Ich stellte beim Gespräch fest, dass mein Mann über den Vorgang meiner Verhaftung informiert war, so dass ich ihm nun auch alle weiteren Einzelheiten mitteilte. Er war von denselben ausserst betroffen.

Nuernberg, den 26. Mai 1948.

/s/ LILLY V. SCHNITZLER
(Lilly von Schnitzler)

Die obige Unterschrift von Frau Lilly von Schnitzler, wohnhaft Frankfurt am Main, Windmühlstrasse 16, vor mir, Rechtsanwalt Dr. Walter Siemers, geleistet, wird hiermit beglaubigt und von mir besaigt.

Nuernberg, den 26. Mai 1948

/s/ DR. SIEMERS
(Dr. Siemers)

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UNITED STATES MILITARY TRIBUNAL VI
SITTING IN THE PALACE OF JUSTICE, NUREMBERG, GERMANY
1 JUNE 1948

THE UNITED STATES OF AMERICA

- vs. -

CARL KRAUCH, et al.,

Defendants.

FILED *2 June 1948* with
Secretary General
for Military Tribunals
Defense Center

ORDER

The Motions presented by Dr. R. W. Mueller, Administrative Assistant for Defense Counsel, on 7 May 1948, to dismiss this case for lack of jurisdiction; to dismiss for failure to properly prepare, refer or investigate the charges; to dismiss for defects appearing on the face of the Indictment; to dismiss for misjoinder and other defects appearing on the face of the Indictment; to dismiss the Indictment for failure to allege an offense cognizable by this Tribunal; to dismiss for lack of jurisdiction over the persons of the defendants; for a mistrial and to dismiss the charges; and to strike certain allegations of the Indictment, has been considered by the Tribunal and the Tribunal now determines that it will not pass upon said Motions before the rendition of the final judgment. Said motions involve a consideration of the evidence and a determination of questions of law which the Tribunal can better determine after it has heard the arguments of counsel.

Curtis G. Shake
CURTIS G. SHAKE
Presiding

Dated this 1st day of June 1948

DEFENSE NOTIFIED
2 June 1948
PROSECUTION NOTIFIED

Dr. R. W. Mueller,
Administrative Assistant.

Nuernberg, May 7. 48

Statement.

In my capacity as legal administrative assistant in case VI I certify that the following defense counsels have undersigned the attached 8 motions for the mentioned defendants.

Defense counsels:

Defendants:

Dr. Boettcher	for	Prof. Dr. Krauch,
Justizrat Dr. Dix	"	Geheimrat Schmitz,
Dr. Siemers	"	Dr. von Schnitzler,
Dr. von Metzler	"	Dr. Gajewski und Haeffliger,
Dr. Pelckmann	"	Dr. von Knieriem,
Dr. Bornemann	"	Dr. ter Meer,
Dr. Helm. Dix	"	Dr. Schneider,
Dr. Schubert	"	Dr. Buergin,
Dr. Flaeschner	"	Dr. Buestefisch,
Dr. Nath	"	Dr. Ilgner und Dr. Kuehne,
Dr. Eisenblaetter	"	Dr. Jaschne und Dr. Lautenschlaeger,
Dr. von Krafft	"	Dr. Oster und Dr. Rugler,
Dr. Seidl	"	Dr. Daerrfeld,
Dr. Wagner	"	Dr. Wurster,
Dr. Bernét	"	W. R. Mann.

Dr. Mueller

Müller

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(22)

- against -

Defendants.

1215
FILED 7 May 1948
Case No. VI.
Secret

Said order is further defective in that there is no provision made either in the military or the civil laws of the United States for the creation of a tribunal composed of three members and is in fact in derogation of the military law which requires the appointment of not less than five members for a military commission or tribunal for the hearing of offenses involving capital punishment, all of whom must be officers of the United States.

[Handwritten:]

Officers of the United States.

R. V. McTear - 1 - Phenomenon
R. Koth Member Boston B. W.
J. H. Maffey Greenalotter
(Signature)

2936

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(28)

The Congress of the United States incorporated by reference and provided by Article of War 15 for the trial of all offences against the law of nations in the exercise by the Congress of the power and authority invested in it by Article I, Section 9, Clause 9 of the Constitution of the United States of America.

General Order No. 87 and Military Government Ordinance No. 7 incorporated therein are in violation of Articles of War 4, 8, 15, 17, 18, 19, 22, 24, 25, 26, 31, 35, 38, 39, 43, 46, 47, 48, 49, 50, 50 1/2, 70, 114; and in violation of these provisions of paragraph 2 of Manual for Courts-Martial 1928 applicable to the trial of enemy nationals for offenses against the laws of war by reason of the fact of belligerent occupancy;

R. D. H. H. Note

and the provisions of General Order No. 87 and Military Government Ordinance No. 7 as incorporated therein are in violation of the following provisions of Manual for Courts-Martial 1928 applicable to each of the defendants herein: paragraphs 4, 5(a), 6, 7, 8, 11, 12, 18, 19, 23, 24, 27, 29 (a), 29(b), 30, 31, 32, 33, 34, 35, 39, 40, 41(a), 41(b), 45, 49(e), 49(f), 51(a), 51(c), 51(d), 52(a), 52(b), 52(c), 57(a), 58(a), 58(d), 58(e), 58(f), 61, 62, 64(a), 65, 67, 71(a), 71(b), 71(c), 71(d), 71(e), 73, 74, 75(a), 75(b), 78, 87(a), 87(b), 87(c), 88, 89, 95, 96, 97(a), 97(b), 98(a), 98(b), 98(c), 98(d), 98(e), 98(f), 98(g), 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125.

If it be contended that this Tribunal is not an American Military Tribunal, despite the title of the action, as has been maintained in other cases, the Defendant stands ready to establish the falsity and untenability of any such contention.

[illegible]

HEADQUARTERS, EUROPEAN COMMAND

9 August 1947

GENERAL ORDERS)

NO 87)

PURSUANT TO MILITARY GOVERNMENT ORDINANCE NO. 7

1. Effective as of 8 August 1947, pursuant to Military Government Ordinance No. 7, 24 October 1946, entitled "Organization and Powers of Certain Military Tribunals", there is hereby constituted Military Tribunal VI.

2. The following are designated as members of Military Tribunal VI:

CURTIS GROVER SHAKE	Presiding Judge
JAMES MORRIS	Judge
PAUL MACARIUS HEBERT	Judge
CLARENCE F. MERRELL	Alternate Judge

3. The Tribunal shall convene at Nurnberg, Germany, to hear such cases as may be filed by the Chief of Counsel for War Crimes or by his duly designated representative.

BY Command OF GENERAL CLAY:

OFFICIAL:

C. R. HUEBNER
Lieutenant General, GSC
Chief of Staff

s/C. H. GARDE
t/C. H. GARDE
Lieutenant Colonel, AGC
Asst Adjutant General

DISTRIBUTION: "B" plus

2 - AG, MRU, EUCOM
3 - The Adjutant General
War Department
Attn: Operations Branch
AG LO - I
1 - OPO Reports Section
800 - Hq EUCOM

I HEREBY CERTIFY that the foregoing is a true and exact copy of a mimeograph document which is a part of the official files and records of the United States Military Tribunals.

FOR THE SECRETARY GENERAL:

Barbara Skinner Mandellamb
Chief, Court Archives

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(20)

UNITED STATES MILITARY TRIBUNALS
SITTING IN THE PALACE OF JUSTICE, NURNBERG, GERMANY
HELD 12 AUGUST 1947, IN CHAMBERS

THE UNITED STATES OF AMERICA

- vs. -

CARL KRAUCH, et al.,

Defendants.

ORDER

Case No. 6

The Supervisory Committee of Presiding Judges of the United States Military Tribunals, provided for by Article XIII of Ordinance No. 7 and acting under the provisions of Article V, g, as amended February 17, 1947, hereby orders that Case No. 6, now pending before said Tribunals, to wit, The United States of America vs. Carl Krauch, et al., be and it hereby is assigned to Tribunal VI for trial.

s/ Robert M. Toms
Executive Presiding Judge

APPROVED:

s/ Walter B. Beala
Presiding Judge, Tribunal I

s/ James T. Braid
Presiding Judge, Tribunal III

s/ Charles B. Sears
Presiding Judge, Tribunal IV

s/ Charles F. Wennerstrum
Presiding Judge, Tribunal V

s/ Curtis G. Shaks
Presiding Judge, Tribunal VI

I HEREBY CERTIFY that the foregoing is a true and exact copy of an original document which is a part of the official files and records of the United States Military Tribunals

FOR THE SECRETARY GENERAL:

Barbara Skinner Mandellaub
Chief, Court Archives

UNITED STATES MILITARY TRIBUNAL VI

NUERNBERG, GERMANY

THE UNITED STATES OF AMERICA

- against -

CARL KRAUCH, et. al.

Defendants

FILED 1215
May 15 1948 with
Sec. General
Case No. VI.
Military Tribunal
D. C. Center

MOTION TO DISMISS FOR FAILURE TO
TO PROPERLY PREPARE, REFER OR INVESTIGATE THE CHARGES.

Come now the defendants represented by their undersigned counsel and each for himself moves this Tribunal to dismiss the charges and specifications thereunder against him upon the ground that such charges and specifications were never properly referred to this Tribunal for hearing and determination, in that said charges and specifications were not prepared, submitted, acted upon and investigated in the manner prescribed by the military law of the United States, the laws and customs of war, and are in derogation of the provisions contained in Article 14 of the Charter of the International Military Tribunal as annexed to and forming a part of the London Agreement of 8 August 1945 and Control Council Law # 10.

This motion is based upon the record of trial and oral testimony to be adduced at the hearing hereon.

Handwritten signatures and notes:
H. J. K. Wall, Polkman
Thayer, Stein, Minner, Brown, Greenblatt, 7/14/48
H. J. K. Wall

463
(22)

Nuernberg, Germany.

1215
FILED 29 May 1968 with
Secretary General
Case No. VI.
for the U.S. Embassy
Defense Center

- against -

CARL KRAUCH, et. al.

Defendants.

The defendants represented by their undersigned counsel and each for himself moves as to him

- a) on the first Count of the "indictment"
- b) on the second Count of the "indictment"
- c) on the third Count of the "indictment"
- d) on the fourth Count of the "indictment"

that each such Count be dismissed on the following grounds:

- 1.) That each of the several Counts therein contained does not state facts sufficient to constitute an offense;
- 2.) That each of the several Counts therein contained does not state facts sufficient to constitute an offense against the United States of America;
- 3.) That the allegations contained in each of the several Counts are duplicitous and fatally defective;
- 4.) That the allegations contained in each of the several Counts are vague, indefinite, uncertain, multifarious and confusing to an extent that the defendant herein cannot determine the offenses sought to be charge against him and he is unable to prepare a defense thereto;
- 5.) That the indictment was not found within three years after the offenses therein were allegedly committed;

B. F. X. W. - 1 - Schumann
 W. W. K. - 1 - Schumann
 W. W. K. - 1 - Schumann
 W. W. K. - 1 - Schumann

6.) That each such Count alleges the commission of offenses prior to 7 December 1941, the date of the commencement of war between Germany and the United States of America, and therefore alleges no offense against the sovereignty of the United States of America under national or international law.

international law.

UNITED STATES MILITARY TRIBUNAL VI

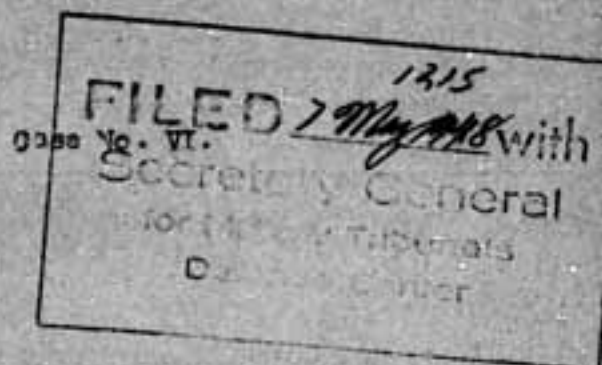
Nuernberg, Germany

THE UNITED STATES OF AMERICA

- against -

CARL KRUICK, et al.

Defendants



MOTION TO DISMISS FOR MISJOINDER AND OTHER DEFENSES
APPEARING ON FACE OF INDICTMENT

Come now the defendants represented by their undersigned counsel and each for himself moves this Tribunal to dismiss the charges and specifications thereunder against him upon the ground that this Tribunal is without jurisdiction to hear and determine the charges and specifications thereunder in that such charges and specifications are fatally defective and void; because the several things thus enumerated in said charges are stated in the alternative and conjunctive; that there is repugnancy which consists of contradictions between material allegations therein; that there is a misjoinder of parties defendant; that there is a misjoinder of offenses; that there is a misjoinder of Counts; that it is duplicitous.

This motion is based upon the record of trial and oral testimony to be adduced at the hearing hereon.

Handwritten signatures and notes are visible in this section.

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1215
FILED 7 May 1948 with
Secret
Case No. VI
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R. L. N., Watt & Kärner
Elektronen
Watt
Kärner
F. H. W. 2.

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(24)

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12/15
FILED 7 May 1968
Sec. of Defense
Case No. 6
Defense Center

COMES NOW the defendants represented by their undersigned counsel and each for himself moves this Tribunal to dismiss the charges and specifications thereunder against him upon the ground that this Tribunal is without jurisdiction over the person of the defendant in that the alleged acts of the defendant herein did not offend either the United States of America or the person or property of its subjects; nor were they committed in territory while under the belligerent occupation of the United States of America.

R. I. K. Kraft - ~~Flora~~ ~~Flora~~
 Polk County, Oregon
 Mr. Kraft - ~~Flora~~ ~~Flora~~
 T. H. V. 2

463
(22)

1215
FILED 79 May 11 1948
Secretary General
Case No. 26
D. H. C. C. C.

COMES NOW the defendants represented by their undersigned counsel and each for himself moves this Tribunal for a mistrial and to dismiss the charges and specifications thereunder against him, upon the ground that even if this Tribunal did have jurisdiction over the person of the defendant, such jurisdiction has been lost for reasons hereinafter set forth and the defendant was denied due process of law.

1) The defendant was denied the right to a trial based upon competent evidence presented in a legal manner, that this Tribunal admitted hearsay statements once, twice and thrice removed, newspaper articles, complications of newspaper articles, motion pictures, notes, diaries, unsigned and unidentified writings, speeches of third parties, articles and extracts from publications, some of which were 25 years old, many years before any of the acts alleged to have been committed by the defendant occurred; that this evidence was admitted by this Tribunal over the objections of defendant's counsel; that during the introduction of this meaningless mass of documents the prosecution staff continuously made an unsworn running commentary which in many instances was largely untrue and highly inflammatory and prejudicial to the defendant, thus allowing the prosecution, through its running commentary, to be the principal witness against the defendant without the sanctity of oath.

(2) That all the testimony, affidavits and allegedly sworn statements introduced in evidence against the defendant were in effect unsworn by reason of the fact that the persons who administered the oaths were unauthorized in law to do the same;

(3) That the defendant has been denied the right to a speedy and public trial; that he has been held in confinement for a long period of time; that during the greater part of said confinement this defendant was denied the right to communicate with persons outside of confinement and as a result has been

R. T. W. M. H. & Co. Ltd.
 2947
 1947

unable to procure and preserve testimony and evidence for his defense as to the matters lodged;

(4) That this defendant is an enemy national and has been imprisoned by order of the Military Command of the United States of America during a period of belligerent occupancy of his own State and consequently is entitled to the rights guaranteed prisoners of war pursuant to the Hague and Geneva Conventions and as more particularly provided for in the Rules of Land Warfare set forth in Field Manual 27-10, paragraph 134, page 33; paragraph 117, page 29; paragraph 81, page 1; paragraph 85, 86, 165, 78, 84, 115, 120, 82, 113, 111, 109, 108, 110, 111, 81, 79, 84, 73, 82, 163, 165;

(5) That the defendant herein has been subject to private and public insults and made an object of public curiosity in violation of paragraph 73, the Rules of Land Warfare, as well as Article 2 of the Geneva Convention, that defendant has been unable to make proper preparation for his defense, in violation of paragraph 24, Rules and Land Warfare, and Article 3 of the Geneva Convention;

(6) That defendant has been denied and deprived of his funds and private property and prohibited from incurring any valid obligation of any kind of character whatsoever for the proper preparation and presentation of his defense; the said taking of his money and personal property was without any determination of the amount thereof and without any receipt having been given therefore, nor were the sums thus taken credited to the account of defendant, all in violation of paragraph 79 of the Rules of Land Warfare and Article 6 of the Geneva Convention;

(7) That defendant has been subjected to judicial prosecution without notice to the protecting power as required by paragraph 133 of the Rules of Land Warfare and Article 50 of the Geneva Convention;

(8) That the defendant has been compelled to make statements against himself in violation of paragraph 135 of the Rules of Land Warfare and Article 61 of the Geneva Convention;

(9) That the defendant has been denied the right to an interpreter, the right to a representative of the protecting power as provided for in paragraph 135 of the Rules of Land Warfare and Article 62 of the Geneva Convention;

(10) That each and every member of this Tribunal and the accusers are enemy aliens of the accused and as such are not the proper persons to prosecute or to judge the guilt or innocence of the accused. In addition to that this Tribunal has prevented the defendant from making a proper showing by improperly foreclosing the examination of witnesses under the rules of cross-examination and this Tribunal has appointed a commissioner to take testimony against this defendant during the pendency of this trial, thus making it impossible for this defendant to be confronted with witnesses against him; this Tribunal has allowed members of the prosecution staff to generally use inflammatory statements against the defendants during the course of the trial and in the presence of the Tribunal itself and extra-judicially; the members of the Tribunal have allowed the prosecution staff to make false and untrue statements on matters in hearing before this Tribunal during the

B. J. H. v. V. H. - Thunstein
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normal course of the trial and the prosecutors have made many such false, improper and inflammatory statements and remarks and the defendant has been further prejudiced and denied due process because of the following:

- (11) The denial to the defendant of the right to challenge each or any members of this Tribunal for cause;
- (12) The denial to the defendant of the right to challenge the jurisdiction of this Tribunal;
- (13) The denial to the defendant of the right to peremptory challenge;
- (14) The denial to the defendant of the right to a separate trial;
- (15) The denial to the defendant of the right to compulsory process for the production of material witnesses essential to the defense;
- (16) The denial to the defendant of the right to prepare for his defense;
- (17) The denial to the defendant of the right to be confronted by the witnesses against him;
- (18) The denial to the defendant of access to witnesses essential to his defense, witnesses having been placed in confinement by the prosecution, its agents and emissaries in accordance with a deliberate schema and design whereby the prosecution has caused the arrest of persons who might possibly be witnesses for the defendant and such persons have been placed in protracted confinement and their identities and location hidden from the defendant in many instances; in other instances, many of said persons have been labelled "prosecution" witnesses and the defendant denied access to them; there being upwards of 130,000 such persons so arrested and held in protracted confinement as a result of this general schema and design on the part of the prosecution staffs of the American Military Tribunals at Nürnberg;
- (19) That defendant's witnesses have been the victims of duress, intimidation and coercion by the prosecution staff and its agents by reason of the fact that persons requested as witnesses by the defendant had been arrested by the prosecution and placed in confinement; that the widespread knowledge of such treatment on the part of the prosecution of defendant's witnesses has so discouraged so many witnesses in possession of knowledge essential to a proper defense of the defendant that these persons are no longer willing to testify on behalf of the defendant;
- (20) That the defendant has been denied the rights of an enemy alien under a belligerent occupant in violation of the Rules of Land Warfare, paragraphs 73, 75, 78, 79, 81, 83, 90, 109, 110, 111, 114, 129, 133, 135, 136, 137, 139, 169, 313, 323, 320, and of the following provisions of the Geneva Convention: Article III, Article IV, Article V, Article VI, Article VIII, Article XI, Article XVII, Article XXXVI, Article XXXVII, Article XXXVIII, Article XLI, Article XLII, Article 78, Article 56, Article 60, Article 61, Article 62, Article 63.

[illegible]

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(20)

testimony to be adduced at the hearing hereon.

R. I. H. 2 days - 10 & 11 days
H. M. P. 3 days - 10 & 11 days
J. H. P. 3 days - 10 & 11 days
J. H. P. 3 days - 10 & 11 days

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(27)

THE UNITED STATES OF AMERICA :
- against - :
CARL KRAUCH et al. :
Defendants :

FILED 7 May 1948 with
Secretary General
for Military Tribunals
Defense Center

COMES NOW the defendants represented by their undersigned counsel and each for himself moves the Tribunal to strike out so much of the allegations contained in pages 5 to 8 inclusive of the alleged "indictment"; specification to Count One, paragraphs 1 to 84b, inclusive; specification to Count Two, paragraphs 86 to 118, inclusive; specification to Count Three, paragraphs 120 to 143, inclusive; specification to Count Four, paragraph 145; specification to Count Five, paragraphs 146 - 147, inclusive; in that the allegations therein contained are sham, scandalous, inflammatory, verbose, repetitious, confusing, disconnected, vague, indefinite, uncertain, irrelevant and immaterial; and further in that said allegations allege merely conclusions and fail to allege ultimate facts; and further in that said allegations fail to allege the essential elements of a crime.

This motion is based upon the record of trial and oral testimony to be adduced at the hearing hereon.

and oral testimony to be adduced at the hearing hereon.

B. J. H. [unclear] [unclear]
[unclear] [unclear] [unclear]
[unclear] [unclear] [unclear]
[unclear] [unclear] [unclear]
[unclear] [unclear] [unclear]

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UNITED STATES MILITARY TRIBUNAL VI
SITTING IN THE PALACE OF JUSTICE, WASHINGTON, DISTRICT OF COLUMBIA
1 JUNE 1948

THE UNITED STATES OF AMERICA

- vs. -

CARL KRAUGH, et al.,

Defendants.

FILED *2 June 1948* with
Secretary General
for Military Tribunals
Defense Center

ORDER

The Motion of Mr. Gustafson Lundberg, counsel for the Defendant Hans Krahne, dated 11 December 1947, and the supplemental Motion filed by said counsel for said defendant on 8 January 1948, will not be passed upon by the Tribunal prior to the rendition of the judgment but will be considered in connection therewith after the Tribunal has had the benefit of the arguments of counsel and their briefs.

Curtis S. Shaker
CURTIS S. SHAKER
Presiding

Dated this 1st day of June 1948

DEFENSE NOTIFIED
2 June 1948

PROSECUTION NOTIFIED

Dr. jur. Guenther LUMMERT
Defense Counsel for
Defendant Dr. Hans KUHNE

Nuremberg, 8 March, 1948.

Case No. 6

To: Military Tribunal VI
N u r e m b e r g

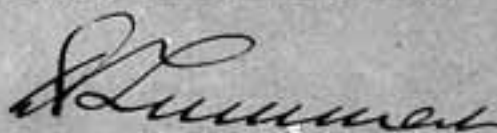
Re: Brief answer to Prosecution's answer to Defendant KUEHNE's
motion of December 11, 1947.

There is no proof that KUEHNE was "a high official of numerous corporations charged with exploitation of the economic resources of the invaded countries". Which are these corporations?

Doc. NI-6960, Exh. 82, is not relevant. It contained nothing but the announcement of a ceremony which the German Government had demanded. Defendant KUEHNE did not use "flowery terms" at that occasion.

As to the "South-East Europe Committee" Defendant KUEHNE was neither chairman nor member of that committee of the Reichsverband of German Industry which the Prosecution evidently has in mind here. Defendant KUEHNE was only a member of the South-East Committee of IG-Farben which scarcely had any special significance (cf. NI-6161, Doc. Book 16). There was no plunder or spoliation in the South-East at all.

Finally: Prosecution's trial brief, part III, page 13 contains a mistake. Defendant KUEHNE was not the chairman of the TEKO, but Defendant JAEHNE, as that same page runs some lines before correctly.



(Dr. LUMMERT)
Defense Counsel

Dr. jur. Guenther Lumbert
Defense Counsel for
Defendant Dr. Hans KUEHNE

Case No. VI

Nuernberg, January 8, 1948

464
③
FILED 9 Jan. 48 with
Secretary General
for Military Tribunals
Defense Center

TO : Military Tribunal VI
N u r e m b e r g

Re: Supplement to my motion of 11 Dec. 47 concerning Defendant Dr. Hans KUEHNE.

According to the principles contained in the Flick judgment which was pronounced in the meantime on 22 Dec. 47, my above mentioned motion is justified.

Ad Count III of the Indictment in the Flick Case, Court IV has declined to take jurisdiction of crimes against humanity occurring before 1 Sept. 39 under Control Council Law No. 10. Consequently Count II of the IG. Farben-Indictment should be dismissed as to defendant KUEHNE - quite apart from the fact that the minor participation of defendant KUEHNE in acquiring and reorganizing of some plants in Austria and Sudetenland was no crime against humanity - because those acts occurred before September 1939.

Ad Count I of the Indictment of the Flick Case, Court VI has explained and decided that the mere employment of voluntary and involuntary foreign civilian workers, prisoners of war, and concentration camp inmates was excused by the general state of necessity which resulted from the measures of German Government during the war. Defendant KUEHNE is not charged with any special acts which would deprive him of the general defense of necessity

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(4)

- 2 -

under those circumstances.

All this could not be otherwise on account of his extremely good character as shown in part D of my motion of 11 Dec. 47.

A. Lummet
(Dr. Lummet)
Defense Counsel

MILITARY TRIBUNALS
Nurnberg, Germany
UNITED STATES OF AMERICA

Against

KRAUGH and Others (Case VI)

ANSWER TO MOTION TO DECLARE THE INDICTMENT AND EVIDENCE INSUFFICIENT
AS TO THE DEFENDANT KUEHNE, ETC.

TO: The Secretary General, Military Tribunals (Room 281)

1. Answer is made to the motion by Dr. Lummert, counsel for the defendant KUEHNE, dated 11 December 1947, requesting the Tribunal (a) "to declare the indictment and the prosecution's evidence as insufficient as to defendant" KUEHNE; (b) to order KUEHNE's release. This motion was formally filed on Monday, 15 December 1947.

2. The motion is opposed in its entirety by the prosecution without any special discussion of the procedural possibility of such action as that requested under Control Council Law No. 10 and Ordinance No. 7.

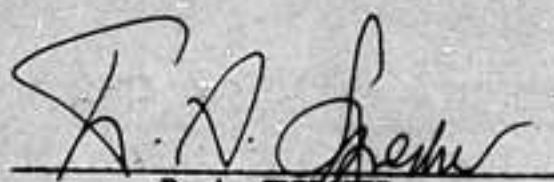
3. The sufficiency of the indictment as to these defendants has already been passed upon by the Tribunal in its ruling of 26 August 1947 which denied the defense motion "that the indictment be rejected as lacking sufficient particulars."

4. With respect to the sufficiency of the proof, this is a question which can only be answered by the Tribunal after it has evaluated all of the prosecution's proof and weighed it in connection with the proof offered by the defense and the rebuttal offered by the prosecution. For the purposes of this motion the prosecution refers the Tribunal to the recently submitted preliminary memorandum briefs of the prosecution. Since KUEHNE was a Vorstand member, the Tribunal is particularly referred to Part VI of these briefs. By way of random example only, one need only consider the significance of the functions which flowed from a few of KUEHNE's positions (see Exh. 1617, NI-11508, D.B. 66, E.p. 20). Apart from being a Vorstand member, KUEHNE was chief of the Works Combine Lower Rhine; Plant Leader (Betriebsfuhrer) of the Leverkusen Plant; a high official of numerous

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⑥

corporations charged with exploitation of the economic resources of the invaded countries; an important official in or over plants employing thousands of slave laborers. KUHNKE's alliance with the Nazi program was emphasized as early as April 1933 when he exhorted the Leverkusen employees in flowery terms to stand behind the Nazi Government (Exh. 82, NI-6960, D.B. 4, E.p. 79). If he had not been identified with Nazi aggressive and expansionist aims, he could scarcely have become and remained the chairman of the South-East Europe Committee (1938-1944).

By:



D. A. SPEECHER
Chief, NURENBERG TRIAL TEAM

Nurnberg 16 December 1947
Date

For:

TELFORD TAYLOR
Brig. Gen. USA
Chief of Counsel

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⑦

Dr. jur. Guenther Lammert
Defense Counsel for
Defendant Dr. Hans KUEHNE

Nuremberg, 11 December 1947

Case No. VI

FILED *15 Dec 1947* with
Secretary General
for Military Tribunals
Defense Center

TO : Military Tribunal VI
Nuremberg

I hereby request the Tribunal

to declare the indictment and Prosecution's evidence as
insufficient as to Defendant Dr. Hans KUEHNE and to order
his release.

Reasons:

A.
First be mentioned that from the beginning the charges against Defendant KUEHNE were so unimportant that he was arrested only by the end of April, 1947, that Prosecution did never interrogate him, and he was arraigned without ever being heard. Consequently no affidavit of him was introduced.

B.

I should not make this application if Defendant KUEHNE would be a healthy

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- 2 -

man and well able to stand trial during the remaining approximately six months. But he is a sick man and, therefore, apart from his age of 67 years, hardly able to stand the further trial.

I beg to enclose a copy of my motion of 8 July, 1947 (appendix¹) and to refer to its contents. His progressing arthritis deformans causes permanent grievous pains, and it is, the longer the more, a real torture for him to sit in the Court sessions or - in the evenings - in the discussions with the undersigned, although the Presiding Judge kindly provided a special soft chair for him in the Court room and allowed him to get up as soon as he feels the pain of sitting ~~to~~ getting too hard.

C.

Now, Prosecution's evidence, indeed, is not sufficient as to Defendant KUEHNE.

To Count I of the Indictment:

The mere connection with the rearmament and the knowledge of it are not sufficient to prove a conspiracy against peace or a planning, preparation, initiation, and waging of wars of aggression. Otherwise the Defendant SCHACHT would not have been acquitted by the International Military Tribunal.

But besides of this there is not the shade of a proof against Defendant KUEHNE that he ever participated in such a conspiracy or planning etc. of aggressive wars.

To Count II:

Here Defendant KUEHNE only participated to a certain degree in the acquiring and reorganizing of some plants in Austria and Sudetenland (not Protectorate

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(9)

Bohemia and Moravia). The so-called invasion of Austria was no aggressive war but the enthusiastic joining of Austria's people to Germany (what also Prosecution's film showed clearly). The same happened in Sudetenland, a pure German country, after the Munich Agreement, an international contract. Even the first condition for war crimes and crimes against humanity, a belligerent occupation, is missing here. There is no connection of any kind on the part of Defendant KUEHNE with plunder and spoliation in these cases.

To Count III:

Defendant KUEHNE was the Betriebsfuehrer (plant leader) of the plant Leverkusen up to 31 July, 1943. Not a single affidavit has been introduced concerning ill-treatments of foreign workers at Leverkusen.

Defendant KUEHNE did not participate in the use of poison gas upon enslaved persons nor was he anyhow connected with Auschwitz.

Under Count IV Defendant KUEHNE is not indicted.

the common plan or conspiracy as charged in Count V is not proved.

D.

Not as evidence, but only to show the character of Defendant KUEHNE generally I beg to enclose copies

- a) of KUEHNE doc. 1 (already introduced for identification), consisting of two affidavits of Mr. Max MAYER, an American citizen, of 25 June and 31 May, 1947 (appendix 2),
- b) of two letters of Mr. Walter J. LEE, an American citizen, of 22 May and 11 September, 1947 (appendix 3),
- c) of a letter of Mr. William J. HALL, an American citizen, of 7 July, 1947 (appendix 4).

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I.

In this connection may it be allowed to go back to the basic ideas of the Nuremberg trials. In his report to President TRUMAN of 7 June, 1945, Justice ROBERT H. JACKSON said:

III,1: "The American case is being prepared on the assumption that an inescapable responsibility rests upon this country to conduct an inquiry, preferably in association with others, but alone if necessary, into the culpability of those whom there is probable cause to accuse of atrocities and other crimes. We have many such men in our possession. What shall we do with them? We could, of course, set them at large without a hearing. But it has cost unmeasured thousands of American lives to beat and blind these men. To free them without a trial would mock the dead and make cynics of the living. On the other hand, we could execute or otherwise punish them without a hearing. But indiscriminating executions or punishments without definite findings of guilt, fairly arrived at, would violate pledges repeatedly given, and would not set easily on the American conscience or be remembered by our children with pride. The only other course is to determine the innocence or guilt of the accused after a hearing as dispassionate as the times and horrors we deal with will permit, and upon a record that will leave our reasons and motives clear."

III,3: "Whom will we accuse and put to their defense? We will accuse a large number of individuals and officials who were in authority in the government, in the military establishment, including the General Staff, and in the financial, industrial, and economic life of Germany who by all civilized standards are provable to be common criminals...."

III,5: "...Once these international brigands, the top leaders of the Nazi party, the SS and the Gestapo, had firmly established themselves within Germany by terrorism and crime, they immediately set out on a course of international pillage. ... We propose to punish acts which have been regarded as criminal since the time of Cain and have been so written in every civilized code. ... The persons to be reached by these charges will be determined by the rule of liability, common to all legal systems, that all who participate in the formulation or execution of a criminal plan involving multiple crimes are liable for each of the offense committed and responsible for the acts of each other. All are liable who have incited, ordered, procured, or counselled the commission of such acts, or who have taken what the Moscow Declaration describes as 'a consenting part' therein."

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(11)
- 5 -

there is a basic difference between what Justice JACKSON bore in mind at that time and what was later on embodied in the IMT-Charter and in Control Council Law No. 10 and what on the other hand Defendant KUEHNKE actually did.

Defendant KUEHNKE had and has nothing to do with such crimes. I am perfectly sure that he would be sentenced not guilty later on, if my motion of to-day would not be granted.

F.

After all it would be an error, even an exaggeration and in the last analysis a wrong to have this not incriminated, old and sick man, who is a brilliant character and scientist, arrested any longer.

In consideration of all these circumstances I request to release Defendant KUEHNKE and to do so, if any possible, before Christmas, so that he may return to his family.

H. Lumbert

(Dr. Lumbert)
Defense Counsel

Copy

Case No. VI

464
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App. 1
P. 1

Dr. jur. Guenther LUMBERT
Defense Counsel
for the
Defendant
Dr. Hans KUEHNE

Nuremberg, 8 July, 1947

TO:

- 1) Military Tribunal VI
- 2) Chief of Counsel for War Crimes
Brigadier General Telford Taylor

NUREMBERG

I hereby request

- a) to have defendant KUEHNE examined by a medical expert as to whether he would be physically able to meet the requirements of a trial of several months to such an extent that his defense would not be seriously injured.
- b) in the case of this question being answered in the negative by the experts: to withdraw the indictment against defendant KUEHNE and to release him.

Justification:

I.

For many years defendant KUEHNE has been suffering from a progressing and painful serious arthritis deformans, especially of the spinal column and thumb and finger joints. To prove the hitherto medical treatment of this disease, I enclose the following medical certificates:

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(13)

- 1) Medical certificate of 15 September, 1944, of Dr. med. DOERER at Lindau,
- 2) Medical certificate of 19 May, 1947, of Dr. med. KAMPHATH at Lindau,
- 3) Medical report of 24 June, 1947, of Dr. med. DAHM at Leverkusen with three (3) x-ray photographs.

II.

The I.G. Marben-trial will take at least 6 - 8 months, presumably even more time. It is obvious that sitting in the defendants' dock for many months will cause a real torture for defendant KUEHNE. His permanent sufferings are to be compared with rather grievous tooth-aches. Every physical motion causes an increased pain. Having reached the advanced age of 67 years, defendant KUEHNE moreover feels the physical sufferings more intensively than a young man. Defendant KUEHNE endured his imprisonment since 2 May, 1947 and the first interviews with the undersigned only by constantly taking Aspirin tablets and other anodyne tablets. This is not possible for a longer time on account of the danger of general serious physical harm. During the past weeks the undersigned in person has observed an increasing decline of his health and decreasing capability of mental concentration of his defendant KUEHNE. The very apprehensions caused by these facts compel the undersigned to file the above formulated requests, whereas - attention be called to it - defendant KUEHNE is endeavouring in the best attitude to overcome his sufferings. But he certainly cannot be able to do so for a longer period of time.

III.

The right of each defendant to a sufficient defense is a recognized basic right in all civilized nations, especially before the Courts of the U. S. A. This basic right of defendant KUEHNE is so considerably impaired by his physical condition that there could be no longer talk about a fair trial. For the mental and physical impediment and exhaustion - may it be caused either by the pains themselves or the permanent taking of tablets - would make it impossible for him to follow the trial with sufficient attention, to give his defense counsel the necessary information, and to be up to the exertions of his examination and cross-examination to a sufficient extent. This will be confirmed by the medical expert's opinion.

IV.

Anticipating that the medical expert will negative the question formulated under letter a), I further request the Chief of Counsel for

- 3 -

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(14)
App. 1
- P. 3

War Crimes already now, the indictment against defendant KUEHN be
withdrawn and his release ordered.

signed: LUBBERT
(Dr. Lubbert)

Copy

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APP. 1
P. 4 (15)

Translation

Dr. med. Robert DOERR

Lindau-Bodensee,
Neugasse 2,
18 September, 1944

Medical certificate.

Mr. Dr. KUENNE is suffering from a serious Arthritis of the different joints and neuralgia attended therewith. At the present time he is not able to travel.

signed: Dr. DOERR

(Medical expert for orthopaedy
Dr. R. DOERR
Lindau-Bodensee)

Copy

Translation

District Hospital
Lindau-Bodensee

Lindau, 19 May, 1947
Dr. Ka. / S.H.

Medical certificate.

Mr. Dr. Hans KUENNE is suffering from a serious general Arthritis deformans, especially of the spinal column and the thumb joints. An electro-physical treatment proved to be necessary several times during the winter months 1946/47 due to very serious pains.

signed: Dr. KAMPRATH

(Dr. F. KAMPRATH
Medical expert for surgery
Lindau-Bodensee)

Copy

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Translation

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(Dr. F. KAMPRATH
Medical expert for surgery
Lindau-Bodensee)

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C o p y

Translation

Dr. med. Huns A. DAHM
Leverkusen - I.G. Werk
Auf dem Kahlberg 2

(22c) Leverkusen - I.G. Werk
24 June, 1947.

Medical Report

During the years from 1926 until my leaving Leverkusen in 1944 I was engaged as a family doctor of Mr. Dr. KUEHNE. During this time I frequently had the occasion of treating Mr. Dr. KUEHNE because of disorders of his muscle and bone system, which appeared as rheumatism and neuralgia, but really as a whole were the consequence of a considerable change in his bones (arthritis deformans). These changes of his bones were also confirmed by x-ray photographs and their effects increased considerably as he grew older. When looking through the patients' books I found out that for the first time in the year 1931 there were treatments on account of symptoms of rheumatism and hindrances when moving his neck muscles. A rather serious lumbago attack happened on 20 February, 1933, so that Mr. Dr. KUEHNE had to be taken by ambulance from his work place to his home. On account of the extraordinary painfulness of these physical disorders, frequent doses of morphium were necessary. In order to reach a fundamental improvement Mr. Dr. KUEHNE directly hereafter took the water cure at Aachen. The hindrances of motion, however, were still so serious that his transport to Aachen had to be executed in an ambulance. The cure resulted in a far-reaching improvement, but could not be expected to restore thoroughly the arthritis changes in his bone system which had already occurred. In 1935, from October to December, there were symptoms of a neuritis in his right arm and serious disorders of his hand muscles which were regarded as rheumatism. An x-ray photograph made later on also confirmed here arthritis changes in his finger joints. In November, 1936, the hindrances as to his neck muscles were again in the foreground. In July, 1938, symptoms of his loin muscle system set in again which occurred as a serious case of lumbago. The same symptom was observed in January 1939. In March 1939 a treatment was necessary because of extensive sufferings of all possible joints which were again the consequence of his arthritis deformans. In July 1940 Mr. Dr. KUEHNE was treated by me because of the same disorders. In March 1941 Mr. Dr. KUEHNE felt sick again with muscle sufferings which now had a rheumatic character. In April 1942 he took a treatment of his right elbow because of serious disorders. From 14 May to 28 June, 1943, he again had serious disorders because of the arthritic changes in his finger joints. In July 1943 similar disorders appeared in his left knee, and in March 1944 he had a treatment because of serious muscle sufferings of his left shoulder, attended with far-going disorders of sensibility which occurred for the first time.

As results from this report, the disorders increased in the course of the years and seriously hampered Mr. Dr. KUEHNE as he grew older. As far as I know, Mr. Dr. KUEHNE when being absent from Leverkusen also had to consult other physicians on account of these disorders and also to frequent some watering places besides his cure at Aachen.

The x-ray photograph of his loin spinal column, which showed the changes in his bones especially clearly, is, I regret, no longer in my possession. Three further x-ray photographs of both his Hands and his left knee joint are attached.

signed: Dr. DAHM
physician

(Dr. med. Hans A. DAHM
Leverkusen - I.G. Werk
Auf dem Kahlberg 2)

Copy

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AFFIDAVIT.

State of New York

S.S.I

County of Westchester

TO WHOM IT MAY CONCERN :

I, MAX MAYER, an American citizen, residing at 4 Withington Road, Scarsdale, New York, depose and say:

1/ I have given an affidavit to Mr. Hans KUEHNE on May 31st 1947,
/ copy attached /

2/ During the years of the business relations between the United Chemical and Metallurgical Works, Usti-Praha, Czechoslovakia and I.G. Farben Industrie, I had found Dr. Hans KUEHNE as very reliable and trustworthy person, and as a natural consequence of a great numbers of meetings and dealings, a friendly personal relation developed.

3/ In my endeavour to modernize the organisation and the plants of the United Chemical and Metallurgical Works, I often approached Dr. KUEHNE and other officials of the I.G. Farben Industrie to get his or their help.

When I needed the broad experience of the Leverkusen I.G. Farbenindustrie plant in the field of rubberlining of chemical apparatus, tanks, pipes, mercury cells, etc., the United Chemical Works could not only get all the information for an extremely small amount, but our technical staff could study

study for weeks the process at Leverkusen and we could buy the needed most suitable rubber compositions for the various applications from the Leverkusen plant. I acquired also for a nominal sum from Leverkusen the process for nitration of filter cloth which we employed in the manufacture of dyestuffs and titanium dioxide pigments. The method was by far superior to the former process used in Czechoslovakia.

The United Chemical and Metallurgical Works took a license from the I.G. Farben-Industrie, Leverkusen, for the manufacture of light-resistant Lithopone. The license fee was very moderate. The specialists of the United Chemical and Metallurgical Works could thoroughly study the barium sulfide and Lithopone plants at Leverkusen.

Reorganizing the accounting system of the United Chemical and Metallurgical Works, I approached the head-quarter of I.G. Farben Industrie at Frankfurt, and a commission of the Czechoslovakian Company was permitted to study the up-to-date system at Frankfurt. No charge whatsoever was asked for.

Considering the modernisation of our Cyanamide plant at Falknov, Czechoslovakia, I sent several chemists and engineers to the knapsack factory of the I.G. Farben-Industrie, and the whole plant was thoroughly inspected. The only obligation was that we could not use any of the not generally known steps in the process or equipment without having made a license arrangement.

Before erecting a new organic dyestuff plant at Usti nad Labem / Aussig / permission was given to send a group of architects, chemists, and engineers to Hoechst, Leverkusen and Ludwigshafen to collect all the experience in modern buildings, sewer systems, railway-system, power plants, etc.

The United Chemical and Metallurgical Works were interested in modernising

the obsolete sodium plant at Usti. The late Dr. Hermann of Hoechst agreed that I could visit together with the late Dr. Klopstock the I.G. Farben plant at Gersthofen. We not only obtained the desired information, but we also inspected the other installations of the factory.

The Czechoslovakian Company was interested in the manufacture of sulphuric acid and cement from gypsum. The plant and manufacture at Leverkusen could be studied thoroughly and we were offered a license under very moderate terms.

In spite of being competitors in the dyestuff field, the late Dr. Erlenbach of I.G. Farben-Industrie, Bitterfeld-Wolfen, / former Agfa plant / permitted the inspection of the Azo plant, etc. Valuable information was given. This was long before we joined the dyestuff syndicate.

The I.G. Farben plants at Bitterfeld, former Griesheim plants, were often visited in order to collect information in the field of alkali electrolysis, and we could also study there the power plants of I.G. Farben-Industrie, especially the high-pressure boilers.

When the United Chemical and Metallurgical Works intended to erect a synthetic and / gasoline / plant starting with lignite, the Leuna Works were visited and the Czechoslovakian Company was promised that it could obtain a license.

Starting to reorganize the pharmaceutical manufacture of the United Chemical and Metallurgical Works, I visited the pharmaceutical department of Leverkusen and Dr. KUEHNE promised me every help in procuring the best and most efficient equipment for handling the finished products.

During my frequent visits at Leverkusen, Mr. KUEHNE personally showed me many of the factories, even in fields where we were competitors. The only declaration asked was that I would not use the knowledge so acquired without

having made an agreement with I.G. Farben-Industrie. Vice-versa, when Dr. KUEHNE visited the Ansig factories, he could see many of the processes under the same gentleman agreement.

It can be stated that Dr. Hans KUEHNE had been very helpful in every case where I needed special information.

(signature) Max MAYER

Sworn to

before me

this 25 day of June 1947.

(signature) Harry S. SHILLER

Harry S. Shiller
Notary Public in the State of
New York
Appointed for Westchester County
Commission expires March 30, 1948

(Seal)

I certify that the above document is an exact and literal copy of the original.

Nuremberg, 6 November 1947.

signed: Dr. LUMBERT
(Dr. Lumbert)
Defense Counsel

A F F I D A V I T

STATE OF NEW YORK
COUNTY OF WESTCHESTER ss:

TO WHOM IT MAY CONCERN :

I, MAX MAYER, an American Citizen, resident of 4 Withington Road, Scarsdale, New York, depose and say that:

1./ I have known Dr. Hans KUEHNE for more than twenty years, and that I had the opportunity to appreciate not only his excellent professional back-ground, but also his very good character.

2./ I became acquainted with Dr. KUEHNE when I was President of the United Chemical and Metallurgical Works Usti-Praha, Czechoslovakia. The business relations of the United Chemical and Metallurgical Works to I.G. Farbenindustrie made it necessary to meet their officials and employees. There were especially exchange agreements between the Czechoslovakian Company and the Leverkusen Factory of I.G. Farben-Industrie in the anorganic and electrochemical field, and in the field of activated carbon. In consequences of the frequent meetings, I had the opportunity to know Dr. H. KUEHNE thoroughly. I especially appreciated his liberal and democratic conceptions; he often assured me that he did not agree at all with the principles and with the racial prejudices of the Nazi-party.

3./ There was no deviation in his ideas and in his attitude during all the

years of our connection, until I saw him last in June 1938.

4./ Dr. KUEHNE always regretted the persecution of the Jews by the Nazis, and he did not agree at all with the discriminatory treatment of them.

5./ In the beginning of 1939 I immigrated into the U.S.A. and lost every contact with Dr. KUEHNE until I received a letter from him in February 1947.

(signature) Max MAYER

Sworn before me this
31st day of May 1947.

(signature) Harry S. SHILLER

(Seal)

Notary Public.

Harry S. Shiller
Notary Public in the State
of New York
Appointed for Westchester County
Commission Expires March 30, 1948.

I certify that the above document is an exact and literal copy of the original.

Nuremberg, 6 November 1947.

signed: Dr. LUMBERT

(Dr. Lumbert)

Copy

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INTER-OFFICE MEMORANDUM

5 September 1947

SUBJECT : Letter from an American Engineer
concerning the defendant KUEHNLE.

TO: Mr. L. Wartana,
Defense Administrator (550)

1. Attached is a copy of a "to whom it may concern" letter concerning the defendant KUEHNLE by an American engineer Walter J. Lee, employed by the Goodyear Tire and Rubber Company of Detroit, Michigan, which was forwarded to the prosecution.

2. Would you please have this copy delivered to Dr. Lummert, defense counsel for the defendant KUEHNLE.

D.A. SPRECHER
Chief, Parben Trial Team

1 Incl
Letter dated 22 May 1947 from
Walter J. Lee.

2975

THE GOODYEAR TIRE & RUBBER COMPANY, INC.

6500 Mt. Elliott
Detroit 11, Michigan

May 22, 1947

TO WHOM IT MAY CONCERN :

I just heard through his son that Dr. Hans KUEHNE has been arrested by our forces and taken to Nuernberg in connection with the I.G. Farben trial.

In his behalf I would like to make known the following information:

In March, 1945 I was asked by our War Dept. to enter Germany and to find out just what type of synthetic rubber Germany was using in airplane parts such as oil lines, hydraulic lines, bullet sealing fuel tanks, etc. I was to get the formulae, manufacturing processes and general "know how".

I was immediately flown to Germany and spent the next 4 months making this investigation.

One item called "Desmodur R" proved very interesting. This is a liquid cement used for joining synthetic rubber to metal parts. In January, 1946 I was asked to return to Germany to get additional and more detailed information on this subject.

I was told that Dr. KUEHNE headed up the I.G. Farben Works in Leverkusen pre-war and I, therefore, sought him out. He answered all my questions very cooperatively which you would expect. What I did not expect was this. After I completed the interview Dr. KUEHNE continued the discussion and told me of new German developments on synthetic rubber that I didn't ask for because I

didn't know about them.

cc: Mr.

Thanks to Dr. Kuehne this information is now in the files of our War Dept. and is available for industrial use here.

In my opinion Dr. KUEHNE was never a willing Nazi. He never contributed to the Hitler war machine anymore than he was forced to do so. However, it is true that under the directorship of Dr. KUEHNE the 'Buna S' type of rubber was improved almost to perfection. It is also true that this is the synthetic rubber that we used during our war.

I sincerely hope that these statements will be of some help to secure the early release of Dr. Hans KUEHNE.

Thank you very much.

Very truly yours,

signed: Walter J. LEE
Resident Engineer

W. J. Lee
md

C o p y

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INTER-OFFICE MEMORANDUM

24 November 1947

SUBJECT: Letter of interest to Dr. Lammert,
re the defendant KUEHNE, Case VI.

TO : Major R.G. Schaefer,
Defense Administrator (550)

Copy to: Dr. Lammert

Please turn over the attached letter from Mr. Lee, dated
11 September 1947, to Dr. Lammert.

D.A. SPRECHER
Chief, Warben Trial Team

1 Incl:
Letter from Mr. Lee, 11 Sept. 1947

2978

Telford Taylor
Brigadier General - U. S. Army
OCOWG APO-696 A

September 11, 1947

Dear General Taylor :

With your permission, I would like to say a few words in behalf of Dr. Hans KUEHNE who is now on trial in your court in connection with the I. G. Farben war participation.

As you know, synthetic rubber played a very important part in our war. The synthetic rubber selected by our Government for who best all around use was commonly known as the 'Buna S' type. This synthetic rubber was developed by the Germans some years ago in the I. G. Farben Laboratories in Leverkusen near Cologne.

A great deal of this work was done under the immediate direction of Dr. KUEHNE who at that time headed up the Farben Plants charged with the responsibility of perfecting synthetic rubber.

In 1938 a group of American chemists visited Germany and among many other Farben scientists they met Dr. KUEHNE. He was very cordial and most cooperative. He discussed freely the work that was going on in Germany to perfect synthetic rubber. Much of this information was later put to practice to the advantage of our War Department.

I don't mean to infer, General Taylor, that KUEHNE was trying to help us out by giving us this information on synthetic rubber. It was to his interest and to the interest of his company that he discussed synthetic rubber problems freely with our people. His firm was trying to sell synthetic rubber to the rest of the world. However, regardless of his motive, the information that he did give was valuable to our country a few years later - after Pearl Harbor.

I was sent to Germany in April, 1945 by the Air Corps at Wright Field, Dayton, Ohio. The Technical Division of the Air Corps wanted to know just how the Germans used synthetic rubber in airplanes for parts other than tires. We already had the information. Our Japanese war was still going on and we could make good use of any new ideas on synthetic rubber that the Germans developed since 1938 if they were better than ours. I saw KUEHNE on this trip and again he was most cooperative.

The point that I would like to make is that:

- (1) Dr. KUEHNE was cooperative before the war.
- (2) We did make use of the information on synthetic rubber that he disclosed to us.

Whether or not these facts would have a bearing in his favor now that he is on trial in your court, I don't know. No doubt there are many angles connected with the trial that I don't know about. But, the information I just related to you I do know about and, General Taylor, I would like to present it with your permission in behalf of Dr. Hans KUEHNE.

Respectfully yours,

signed: Walter LEE
Resident Engineer

W. J. Lee
md

C o p y

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William J. HALE
1205 West Park Drive
Midland, Michigan

July 7, 1947

Dr. Guenther Lummert,
Muenberg Muert Koenigswarterstr. 7/III
Germany

My dear Doctor Lummert:

Word has reached me that my good friend, Dr. Hans KUEHNE, former I.G. head at Leverkusen Werke is incarcerated.

Indeed, I have known Dr. KUEHNE for a long time and have never found any higher type of business man, - honest as the day is long. When I visited him in 1938 he was the gentleman personified. If he had any such thing as Nazi leanings he certainly never indicated them to me, and I think I am fairly able to detect what I call Nazi or Nudaelish leanings, - both of which are of the underworld.

My deep sympathy goes out to Dr. KUEHNE and I do hope that you and your confreres in his defense will meet with victory. Do let us get such men as Dr. KUEHNE back to work to help Germany on her feet and Europe be made mor self-sustaining.

Sincerely yours,

signed: William J. HALE

WJH:w

2981

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①

UNITED STATES MILITARY TRIBUNAL VI
SITTING IN THE PALACE OF JUSTICE, HONOLULU, HAWAII
1 JUNE 1948

THE UNITED STATES OF AMERICA

- vs. -

CARL KRAUCH, et al.,

Defendants.

FILED *2 June 1948* with
Secretary General
for Military Tribunals
Defense Center

ORDER

The Motion of Defense Counsel for a finding of Not Guilty filed on the 17th of December 1947, will not be ruled upon by the Tribunal prior to the rendition of the final judgment herein, but the matters set forth therein will be considered by the Tribunal after it has had the benefit of the arguments of counsel and the briefs submitted at the conclusion of the case.

Curtis G. Drake
CURTIS G. DRAKE
Presiding

Dated this 1st day of June 1948

DEFENSE NOTIFIED
2 June 1948
PROSECUTION NOTIFIED

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②
FILED *9 Jan 1948* with
Secretary General
for Military Tribunals
Defense Center

MILITARY TRIBUNAL NO. VI

CASE NO. 6

THE UNITED STATES OF AMERICA

against

CARL KRAUCH et al

REPLY TO ANSWER OF PROSECUTION TO MOTION OF DEFENSE

OF FINDING OF NOT GUILTY OF CERTAIN CHARGES.

465
③

MILITARY TRIBUNALS

Nuernberg, Germany

UNITED STATES OF AMERICA

against

KRAUCH and Others (Case VI)

REPLY TO ANSWER OF PROSECUTION TO MOTION OF DEFENSE

OF FINDING OF NOT GUILTY OF CERTAIN CHARGES.

The following reply is made to the answer of the prosecution of January 5, 1948, to the motion of the defense of December 17, 1947.

It is our opinion that the argumentation of the prosecution in spite of its length does not shake the position of the defense as expressed in their motion. A great deal of what the prosecution is trying to explain is besides the real issue of this case and can be classified as being more or less rhetorical argument. Therefore we do not propose to deal in our reply with every paragraph in the prosecution's answer. It is our intention to state once more as concisely as possible the real issue of this case which, in our opinion, is very simple. However we would like to stress that, if we are not dealing in our reply with a particular paragraph of the prosecution's answer, this should not be considered as accepting the opinion expressed therein.

At the outset we would emphasize that the defense has never alleged that industrial or economic leaders in Germany cannot be convicted on a charge of this nature, and it is a complete misinterpretation of the position of the defense by the prosecution if it is alleged that according to the defense only such persons can be convicted on those charges who personally attended the secret meetings in which Hitler revealed his plans.

It is sufficient in this respect to refer to the passage

in the grounds of the IMT judgment quoted on page 2 of the prosecution's answer, quote:

"Hitler could not make aggressive war by himself. He had to have the cooperation of statesmen, military leaders, diplomats, and businessmen. When they, with knowledge of his aims, gave him their cooperation, they made themselves parties to the plan he had initiated." End quote.
(Emphasis ours)

From this quotation it follows clearly that the knowledge of Hitler's aims is a prerequisite for any conviction of an industrial leader on a charge of this nature and the question which, as we respectfully submit, the Court will have to ask itself when dealing with this motion is a very simple one, namely: Can an industrial leader who is indicted for a crime against peace be treated differently from those prominent Nazi governmental and military functionaries who were on trial before the IMT, in other words, can the term "knowledge of his aims" have a different meaning in both cases? The answer of the defense to this question is that under the principles of justice the same standard must be applied when assessing the responsibility of an industrial leader and that therefore his "knowledge of Hitler's aims" must be the same as in the case of those defendants before the IMT who had been convicted on the charge here in question.

In this connection it should be emphasized once more that the IMT has attached particular importance to the four secret meetings of Hitler dealt with in the motion of the defense, because, quote: (III B The Planning of Aggression):

"At these meetings important declarations were made by Hitler as to his purposes, which are quite unmistakable in their terms." End quote. (Emphasis ours)

It appears from this quotation, in the opinion of the defense, that the reason why the IMT gives such prominence to those meetings is the fact that on these occasions the specific aggressive plans of Hitler were revealed in a manner which could not leave any doubt in the minds of those who either attended these meetings or who were informed about the decisions reached therein.

All the rather sophisticated argumentations of the prosecution which try to lay stress on the degree of the participation of the IMT defendants in the preparation or waging of aggressive wars cannot alter the fact that, as it appears from the quotations in the motion of the defense, the IMT again and again rest its verdict on the question whether the individual defendant either attended or was informed about those secret meetings, and the following two quotations may be added to those made on page¹⁰ and¹¹ of the motion:

We quote from the grounds concerning the defendant Doenitz under Crimes against Peace:

"..... He was not present at the important conference when plans for aggressive wars were announced and there is no evidence he was informed about the decisions reached there." End quote. (Emphasis ours)

We quote from the grounds concerning the defendant Fritzsche under Crimes against Peace, last paragraph:

"..... nor is there any showing that he was informed of the decisions taken at these conferences." End quote.

It follows from these quotations, and the defense has never alleged anything to the contrary, that it is not necessary that a person who is found guilty on the charges here in question attended those conferences if he was informed about the decisions taken therein. Therefore the rather amusing picture drawn by the prosecution on page 11 of their answer of a conference with Hitler at which the defendants were supposed to be present is not helpful and quite besides the issue, because an industrial leader who was informed about the decisions taken at these conferences as a matter of course had the "knowledge of Hitler's aims" required by the IMT.

The defense therefore feel that it is not necessary to deal with the arguments in the answer of the prosecution in para 5 quite apart from the fact that the statement of Justice Jackson has been made in his capacity as prosecutor and in fact

did not achieve any of the results at which it aimed.

As to the definition of the act and the state of mind concerning a crime against peace introduced by the prosecution in para 9 of their answer, the defense feel that although they do not accept this definition nevertheless the motion should be sustained even on the basis of the correctness of the prosecution's theory. The defense would emphasize most strongly in this connection that they never have admitted that the prosecution has established the state of mind claimed as essential by them (see footnote on page 6 of the prosecution's answer). The defense is in no necessity to deal with this question because they do not accept the definition of the state of mind introduced by the prosecution. In order, however, to make their position quite clear they would lay stress on the fact that the prosecution definitely has failed to produce any evidence as to any of the defendants bearing out beyond any reasonable doubt the allegation that the defendants knew and/or believed that actual force would be employed if necessary to achieve a policy of aggrandizement to take from the peoples of other countries their land, their property or their personal freedom. In this connection it is most significant what the prosecution say in para 10 of their answer as to the type and quantum of evidence, which is necessary to establish such knowledge and/or belief. Quote:

"It is sufficient to note here that the prosecution does not contend that the wide publicity given to the program and aims of the Hitler movement over a period of years is enough in itself to establish beyond any reasonable doubt that the average person within Germany had the required knowledge. And the evidence must establish more than knowledge of the aggressive program and aims of the Nazi government and belief that there was a possibility that force would be used to carry out the policy of aggrandizement. It must establish beyond a reasonable doubt that the defendants believed that actual force would be employed if necessary to achieve such policy." (Emphasis ours) End quote.

It follows from this quotation that according to the prosecution a belief of any defendant in the possibility that

actual force would be used to carry out a policy of aggrandizement is not sufficient to establish on his part a guilty mind.

In reviewing the section dealing with the state of mind of the defendants in part I of the Preliminary Memorandum Brief of the prosecution, the defense fails to find any single piece of evidence bearing out the state of mind required by the prosecution to wit the knowledge and belief that actual force would be employed if necessary to achieve a national policy of aggrandizement. The evidence which the prosecution refers to in the abovesaid section of their Preliminary Memorandum Brief consists of the Nazi program, Hitler's book "Mein Kampf" and the events in the years 1932 up to 1939. All this can be regarded as irrelevant even from the prosecution's point of view because now the prosecution state in their answer to the motion of the defense as shown above that it is not sufficient to establish the wide publicity given to the program and aims of the Hitler movement over a period of years. Most definitely all these facts adduced by the prosecution which were accessible to the common knowledge of the German people and therefore also to the defendants in the IMT trial who were acquitted of the charge of Crimes against Peace never would have been recognized by the IMT as sufficient to support a finding of guilty.

Now the prosecution try to argue that all the acquittals in the IMT judgment of the charge of crimes against peace have their reason not in the absence of a guilty mind but in the minor degree of the participation of the defendant in the preparation or waging of aggressive wars. This theory quite apparently is wrong as follows from the quotations from the IMT judgment made by the defense in their motion and on page 3 of this reply. But, if we accept for argument's sake the theory of the prosecution, then in our opinion there can be but one conclusion as to the degree of the participation of the defendants in the preparation and waging of war to wit that this

participation cannot possibly be considered more important than the activities of the highest governmental and military functionaries who were acquitted by the IMT of the charge in question and partly under whose direction and control the defendants together with all German industrialists carried out their production program and transacted their business. It is really absurd to put the defendants being ordinary Vorstand members of a private enterprise on a higher level in this respect than the abovementioned governmental functionaries.

The fundamental arguments of the defense against the contention of the prosecution that the activity of the defendants constituted a criminal participation in both the preparation and waging of aggressive war are the following remarks in the grounds of the IMT judgment concerning the defendants Schacht and Speer, already quoted in the motion of the defense: Quote:

(Schacht) "..... but rearmament of itself is not criminal under the Charter"

(Speer) "..... his activities in charge of German armament production were in aid of the war effort in the same way that other productive enterprises aid in the waging of war; but the Tribunal is not prepared to find that such activities involve engaging in the common plan to wage aggressive war as charged under Count I or waging aggressive war as charged under Count II." (Emphasis ours) End quote.

It follows therefrom that the activities of the defendants which according to the prosecution consisted in furthering the German rearmament neither before the outbreak of the war nor thereafter can be considered a criminal participation either in the preparation or in the waging of aggressive war. As to the preparation of the aggressive wars it is the position of the defense that the defendants cannot be convicted in this respect because of the lack of guilty mind for the reasons stated in the motion of the defense. As to the period after the outbreak of the war, the question whether

the defendants knew the aggressive character of these wars -the defense would deny this- can be left completely aside because as it appears from the abovementioned quotation from the grounds concerning the defendant Speer the production of armament does not constitute a criminal activity and cannot be considered a waging of aggressive war in the meaning of the Charter respectively Control Council Law No.10. It does not take away from the force of this argument if the prosecution points out that Speer became the responsible minister for armament and munition several years after the outbreak of the war. The waging of aggressive wars constitutes a crime which ends only with the termination of hostilities. Therefore, if a person engages in activities which are to be considered a criminal waging of war, it cannot make the slightest difference at which period these activities commenced as long as the aggressive war is still under way. If the prosecution apparently, in order to weaken the argument of the defense derived from the acquittal of the defendant Speer, points out to the conviction of the defendants Doenitz and Frick on the charges of waging aggressive wars, it should be noted that Doenitz was the commander of the U-boat arm being the principal part of the German Fleet and therefore of the warfare in the naval sector. We quote from the grounds of the IMT judgment concerning the defendant Doenitz under Crimes against Peace, second paragraph:

"It is true that until his appointment in January 1943 as commander in chief he was not "Oberbefehlshaber" but this statement underestimates the importance of Doenitz' position. He was no mere army and division commander. The U-boat arm was the principal part of the German Fleet and Doenitz was its leader. The High Seas Fleet made a few minor, if spectacular, raids during the early years of the war but the real damage to the enemy was done almost exclusively by his submarines as the millions of tons of allied and neutral shipping sunk will testify. Doenitz was solely in charge of this warfare." (Emphasis ours) End quote.

It appears from this quotation that Doenitz played a direct and important part in the German naval warfare and therefore, according to the IMT judgment, participated in the waging

of aggressive wars, the fact that the submarine warfare began immediately upon the outbreak of the war being of no importance in this connection according to the abovementioned statement of the defense regarding the date at which Speer assumed the responsibility of a minister for armament and munition.

As to the conviction of the defendant Frick which besides does not expressly state that Frick was convicted on the charge of waging aggressive war, it should be noted that Frick held important key positions in the administration connected with the German war effort and was in fact for a certain period the head of the entire German administration. If therefore the IMT found him guilty on the charge of waging aggressive war -which does not follow clearly from the grounds- then this was most certainly due to the fact that he held the abovementioned key positions in the German administration and therefore was directly engaged in the waging of the war.

The same applies with regard to the conviction of the defendant Seyss-Inquart who held high governmental positions as Deputy Governor General of the General Government of Poland and as Reich Commissioner for occupied Netherlands.

Summarizing therefore, it is the position of the defense that a comparison of the grounds of the IMT judgment regarding the defendant Speer on the one hand and the defendants Doenitz and Frick on the other hand in an unmistakable and definite manner supports the contention of the defense that armament production after the outbreak of an aggressive war does not constitute a waging of such war regardless of the fact whether the persons in charge of such production knew the aggressive character of this war.

A few additional remarks on certain allegations in the answer of the prosecution which, in the opinion of the defense, are a misrepresentation of facts may be made now in conclusion of the argument of the defense.

It is incomprehensible why the charge of conspiracy in Count V of this indictment cannot be compared with the conspiracy charge having been tried before the IMT as the prosecution argue on page 4 sub (b) of their answer. As it appears from the grounds of the IMT judgment quoted on page 26 of the prosecution's answer, the IMT assumed the existence of separate plans rather than a single conspiracy embracing them all respectively a single master conspiracy covering 25 years. Therefore there is no reason why the conspiracy dealt with by the IMT should be treated differently from the conspiracy charged in this trial.

If the prosecution in para 11 (page 7) of their answer contend that the defendants had a great deal more information and sources of knowledge than the average person in Germany, the defense cannot find any piece of evidence introduced by the prosecution bearing out this allegation.

In para 13 (page 10) of their answer, the prosecution contend that the defendants Hess, Rosenberg, Frick, Doenitz, Seyss-Inquart and Funk did not attend the secret meetings of Hitler and therefore the conviction of these defendants on the charge of crimes against peace is a proof that the position of the defense with regard to the decisive character of those meetings is not sound. However the prosecution fails to point out that for the very reason of not attending those meetings, all these defendants with the exception of Hess have been acquitted of the charge under Count I of the IMT indictment. The reasons for the conviction of Frick, Doenitz and Seyss-Inquart under Count II of the indictment have been discussed previously. Rosenberg has been convicted on the charge of preparing specific wars, namely against Norway and Russia, on the ground that he participated in the conference in which the planning of those wars had been discussed. Not a single piece of evidence bearing out a similar allegation with regard to the defendants in this trial

has been advanced by the prosecution. The prosecution even do not allege that the defendants participated in any specific conference at which the planning of a concrete aggressive war was discussed.

The defendant Funk has been convicted on the charge of planning a specific aggressive war against the USSR and it has been shown that he took part in the conferences at which the planning of this war was discussed.

As to the defendant Hess it is sufficient to point out that according to the grounds of the IMT judgment, Hess was Hitler's closest personal confidant since 1924 and therefore knew everything. We quote from the grounds of the IMT judgment concerning the defendant Hess under Crimes against Peace, first paragraph:

"But nothing which they contained can alter the fact that of all the defendants none knew better than Hess how determined Hitler was to realize his ambitions..."
End quote.

It is therefore evident that Hess, of course, was informed also about the decisions reached at those secret meetings of Hitler even if he did not attend same. As above stated, this however is sufficient to warrant a conviction on the charge here in question.

As to the acquittal of the defendant Schacht, the prosecution tried to show that Schacht at a certain period after 1936 discontinued his activities in support of the German war preparations and disinterested himself in the policy of aggression pursued by Hitler. Unfortunately the prosecution fail to quote a passage from the grounds of the IMT judgment which, in the opinion of the defense, convey the impression that Schacht although he had lost some influence did not cease to support Hitler and on several occasions assisted him quite willingly in the performance of his plans. We quote from the grounds of

the IMT judgment concerning the defendant Schacht under Crimes against Peace, eighth paragraph:

"Moreover, Schacht continued to participate in German economic life and even, in a minor way, in some of the early Nazi aggressions. Prior to the occupation of Austria he set the rate of exchange between the mark and the schilling. After the occupation of Austria he arranged for the incorporation of the Austrian National Bank into the Reichsbank and made a violently pro-Nazi speech in which he stated that the Reichsbank would always be Nazi as long as he was connected with it, praised Hitler, defended the occupation of Austria, scoffed at objections to the way it was carried out, and ended "To our Fuehrer a triple Siegheil". He has not contended that this speech did not represent his state of mind at that time. After the occupation of the Sudetenland he arranged for currency conversion and for the incorporation into the Reichsbank of local Check banks of issue. On November 29, 1938, he made a speech in which he pointed with pride to his economic policy which had created the high degree of German armament and added that this armament had made Germany's foreign policy possible." End quote.

It may be noted in this connection that according to the transcript of the IMT morning session 3rd May 1946, Schacht admitted in Court that military pressure brought upon Czechoslovakia was "in some measure the result and the fruit of his labour".

The defense feel therefore justified in stating that the acquittal of Schacht is based exclusively on the fact that his knowledge of specific aggressive plans of Hitler has not been established beyond any reasonable doubt.

As to the acquittal of the defendant von Papen, the prosecution lay stress on the fact that von Papen in July 1936 offered to resign. A careful study of the grounds of the IMT judgment concerning this defendant however conveys the impression that Papen in spite of the resignation offered by him did not cease to support in an active manner the policy of Hitler.

Again therefore the absence of knowledge of specific aggressive plans of Hitler is the only reason for the acquittal of this defendant.

It follows from the foregoing that it is no proper argument if the prosecution on page 25 of their answer referring to the cases of the defendants Schacht and von Papen point out

that they would take a different position with respect to the defendants in this trial if they would state that they either offered to resign or had opposed the policy of the Nazis.

That the fact of the defendant Speer taking office only several years after the outbreak of the war is no argument which speaks against the defendants in this trial has been already shown on page 7 of this reply.

As to the defendant Sauckel (paragraph 18 of the prosecution's answer) reference is made to the statement of the defense regarding the defendant Speer on page 7. It appears therefrom that the fact of having assumed the governmental position here in question at a later date does not have any bearing on the question whether the defendant was guilty of a criminal participation in the waging of an aggressive war.

However if we accept for argument's sake the theory of the prosecution that the initiation and performance of the slave labour program cannot be regarded as an essential activity constituting a waging of war, then all the more the employment of foreign workers by an industrial firm as I.G. which also took place some time after the outbreak of the war cannot be regarded as an activity constituting a waging of war.

It is in the opinion of the defense not necessary to deal at any length with the rather rhetorical argumentation of the prosecution in paragraph 35 and 36 of their answer, in order to avoid repetitions. It is sufficient to state that although the defense do not accept the theory of the prosecution as to the degree of participation and of the guilty mind, the application of this theory nevertheless necessarily would result in an acquittal of the defendants because no piece of evidence has been introduced by the prosecution bearing out the knowledge and/or the belief of the defendants required by the prosecution and because, as far as the period after

the outbreak of the war is concerned, the activities of the defendants do not constitute a waging of the war in the meaning of the Charter respectively of Control Council Law No.10.

As to part B (para 37 to para 51) the defense need not enter into any discussion of the points raised herein after the prosecution now at last in an unmistakable manner has accepted the interpretation of Art. II para 2 (f) of Control Council Law No.10 by the defense, stating on page 39 of their answer the following:

"The prosecution does not understand why there should be any confusion on this point but in order to make the record clear we state here that the prosecution believe that it has the burden and assumes the burden of proving beyond a reasonable doubt that each individual defendant is guilty of the crimes charged in the indictment."

This implies the admission that said provision of Control Council Law No.10 has practically no importance at all because it has been stated already in the IMT judgment that also business men can be convicted on a charge of crimes against peace if they participated in the preparation of aggressive wars with knowledge of Hitler's aims.

As to part II of the prosecution's answer regarding spoliation the defense can be rather brief. It is quite besides the issue to argue about the prerequisites of a war crime since the IMT does not state in its judgment that the rules of warfare apply to Austria respectively to Sudeten-Czechoslovakia. The case of Bohemia and Moravia is without interest because the Aussig-Falkenau plants were not situated in this area and no other act of spoliation is charged with regard to Bohemia and Moravia.

Regarding the question whether a crime against humanity can be charged in Austria and Sudeten-Czechoslovakia before the outbreak of the war, the prosecution apparently does not deny that the crime of spoliation is not mentioned in the provisions both of the Charter and Control Council Law No.10 dealing with crimes against humanity.

The prosecution apparently does not deny the fact that they have not introduced any evidence bearing out the allegation that the transfer of shares or plants to I.G. in Austria and Czechoslovakia constituted in itself a persecution on political, racial or religious grounds.

In concluding the argument on this part of the prosecution's answer, it may be useful to quote the following passage from the judgment in the Case No.V versus Flick and Others because the language of this passage is so convincing that no further arguments need to be added in support of the position of the defense that the alleged cases of spoliation in Austria and Sudeten-Czechoslovakia never can constitute a crime against humanity. We quote from page 11010 of the official transcript:

"Under the basic law of many states the taking of property by the sovereign without just compensation is forbidden, but usually it is not considered a crime. The sale compelled by pressure or duress may be questioned in a court of equity, but, so far as we are informed, such use of pressure, even on racial or religious grounds, has never been thought to be a crime against humanity. A distinction could be made between industrial property and the dwellings household furnishings, and food supplies of a persecuted people. In this case, however, we are only concerned with industrial property"

We quote from page 11013 of the official transcript:

"But it nowhere appears in the judgment that IMT considered, much less decided, that a person becomes guilty of a crime against humanity merely by exerting anti-semitic pressure to procure by purchase or through state expropriation industrial property owned by Jews.


Not even under a proper construction of the section of Law 10 relating to crimes against humanity, do the facts warrant conviction. The "atrocities and offenses" listed therein, "murder, extermination" etc., are all offenses against the person (Emphasis ours). "Property is not mentioned. Under the doctrine of a ejusdem generis the catch-all words "other persecutions" must be deemed to include only such as affect the life and liberty of the oppressed peoples. Compulsory taking of industrial property, however reprehensible, is not in this category." (Emphasis ours) "It may be added that the presence in this section of the words "against any civilian population" recently led Tribunal III to "hold that crimes against humanity as defined in CCL 10 must be strictly construed to exclude isolated cases of atrocities or persecution whether committed by private individuals or by governmental authorities". USA vs. Altstoetter et al decided 4th December 1947. The transactions before us, if otherwise within the contemplation of Law 10 as crimes against humanity, would be excluded by this holding." End quote.

In applying these arguments to the alleged cases of spoliation in Austria and Sudeten-Czechoslovakia there can be no doubt in our opinion that these cases cannot possibly be construed as crimes against humanity.

In addition to the abovementioned legal arguments it may be pointed out that the evidence introduced by the prosecution in the cases of Skoda-Wetzler and Aussig-Falkenau by no means bears out the allegation that these transactions can be construed as acts of spoliation because the owners of the plants received a just and fair compensation.

The defense therefore feel that the arguments of the prosecution do not shake the position of the defense as expressed in their motion and they therefore ask that this motion be sustained.

Nuernberg, January 9, 1948.



(Dr. W. von Metzler)



(Dr. Conrad Boettcher
acting on behalf of all defense counsel
having signed the motion of December 17,
1947)

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(17)
FILED Jan 14 1948 with
Secretary General
for Military Tribunals
Defense Center

MILITARY TRIBUNAL NO. VI

CASE NO. 6

THE UNITED STATES OF AMERICA

-against-

CARL KRAUCH et al

ANSWER TO THE DEFENSE MOTION FOR A FINDING OF NOT GUILTY ON
COUNT I AND COUNT V AND ON CHARGES IN COUNT II RELATING TO
AUSTRIA AND CZECHOSLOVAKIA

MILITARY TRIBUNALS

Nurnberg, Germany

UNITED STATES OF AMERICA

Against

KRAUCH and Others (Case VI)

ANSWER TO MOTION OF DEFENSE FOR FINDING OF NOT GUILTY ON
CERTAIN CHARGES

TO: The Secretary General, Military Tribunals (Room 281)

The following answer is made to the motion of the defense of December 17, 1947, for a finding of not guilty on certain charges in the indictment. This answer will be in two parts. The first will deal with the motion for a finding of not guilty on Counts I and V. The second will deal with the motion for a finding of not guilty on the charges in Count II under the headings "Farben in Austria" and "Farben in Czechoslovakia".

PART I

ANSWER TO MOTION FOR FINDING OF NOT GUILTY ON COUNT I AND
COUNT V

1. The motion of the defense for a finding of "not guilty" as to Counts I and V is predicated on the grounds that the provisions of Control Council Law # 10 relating to crimes against peace are limited in their application to persons who were "directly and personally connected with certain specific secret plannings of Hitler", apparently including only high military and political officials who attended certain specific secret meetings held by Hitler.

2. The motion of the defense is not well founded and should be denied for the following reasons:

A. The position of the defense is contrary to the decision of the International Military Tribunal (hereinafter referred to as the IMT) and if sustained would make such decision meaningless.

B. The position of the defense is contrary to the basic concepts and provisions of Control Council Law # 10, which govern the jurisdiction of and the law to be applied by this Tribunal.

A. The position of the defense is contrary to the decision of the IMT:

3. There is some suggestion in the motion of the defense that the provisions of Control Council Law # 10 relating to Crimes against Peace have no application whatsoever to persons other than "high governmental and military functionaries". In referring to Article II of Control Council Law # 10, the defense state that:

"The IMT is limiting the responsibility for Crimes against Peace to a small circle of the most intimate governmental and military advisors of Hitler."

4. The IMT made no such limitation. On the contrary, the

IMT specifically stated:

"Hitler could not make aggressive war by himself. He had to have the cooperation of statesmen, military leaders, diplomats and businessmen. When they, with knowledge of his aims, gave him their cooperation, they made themselves parties to the plan he had initiated."

5. Justice Jackson's report of 7 June 1945, to President Truman, which became one of the great corner stones in drawing up the London Agreement of 8 August 1945, had made the position of the United States clear in this respect. It will also be recalled that Gustav Krupp was indicted in the IMT case. When it appeared that Krupp was physically and mentally incapable of attendance at the sessions, Justice Jackson, signatory to the London Agreement on behalf of the United States and Chief Prosecutor for the United States before the IMT, proposed that he be given trial in absentia, stating:

"For over 130 years this family has been the focus, the symbol, and the beneficiary of the most sinister forces engaged in menacing the peace of Europe ... to drop Krupp von Bohlen from this case without substitution of Alfred, drops from the case the entire Krupp family, and defeats any effective judgment against the German armament makers ... The United States re-

spectfully submits that no greater disservice to the future peace of the world could be done than to excuse the entire Krupp family and the armament enterprise from this trial in which aggressive war making is sought to be condemned." (Answer of the United States to the application by Krupp that his trial be deferred, Trial of the Major War Criminals, pp 134-138, Vol. 1).

Justice Jackson also stated in his answer to the Krupp application:

"It has at all times been the position of the United States that the great industrialists of Germany were guilty of the crimes charged in this indictment quite as much as its politicians, diplomats, and soldiers. Its chief of counsel, on 7 June 1945, in a report to President Truman, released by him and with his approval, stated that the accusations of crimes include individuals in authority in the financial, industrial and economic life of Germany as well as others. (p. 137).

6. It is clear beyond a doubt, therefore, that the London Charter and the decision of the IMT comprehended the punishment of persons in the financial, industrial and economic life of Germany for Crimes against Peace.

7. The defense also argue that the theory of the prosecution as set forth in the Preliminary Memorandum Brief is inconsistent with the judgment of the IMT because such judgment allegedly limited responsibility to those who were "directly and personally connected with certain specific secret plannings of Hitler", apparently according to the defense including only those who attended certain specific secret meetings held by Hitler. The defense point to the decision by the IMT with respect to the Reich Cabinet and with respect to the following persons: Schacht, von Papen, Speer, Sauckel, Kaltenbrunner, Frank, Streicher, von Schirach, Bormann, Fritzsche, Frick, Funk, Doenitz, Seyss-Inquart. The defense also quote from certain portions of the IMT judgment relating to Crimes against Peace and to the acquittals of the above persons on certain charges. It is the view of the prosecution that the defense completely misinterpret the decision of the IMT and that to sustain the position of the defense would render such decision meaningless.

8. Before analyzing those portions of the IMT judgment which

the defense allege are contrary to the position of the prosecution, it will be helpful to have the record show certain indisputable facts with respect to this judgment, some of which are not clearly indicated in the defense motion:

(a) The IMT judgment is based on (1) the provisions of the Charter, which established the jurisdiction of the IMT and defined the crimes to be tried by that Tribunal; (2) the indictment which was filed pursuant to the provisions of the Charter; and (3) the evidence then available and introduced by the prosecution to support the indictment and the counter-evidence introduced by the defense. (It should be recalled that only six months elapsed between the collapse of Germany and the filing of the IMT Indictment -- and that since then a great deal of additional incriminating evidence has been discovered).

(b) Count I of the IMT indictment entitled "The Common Plan or Conspiracy" charged a common plan or conspiracy to commit Crimes against Peace, War Crimes and Crimes against Humanity, as defined in the Charter. The language of Count I as well as the fact that it charged a conspiracy is of importance. For the IMT judgment was based on the conspiracy as charged, not on any conspiracy to commit crimes against peace. As the IMT found (pp. 224-225) the conspiracy charged in the indictment "covers 25 years"; the Nazi Party was regarded as "the instrument of cohesion among the defendants"; and it was contended in effect "that any significant participation in a conspiracy that is in itself criminal". No comparable allegations are contained in Count V of the indictment in Case 6. Count II entitled "Crimes against Peace" charged participation in the planning, preparation, initiation and waging of wars of aggression.

(c) All of the 22 defendants in the IMT case were indicted under Count I. 16 were indicted under Count II. 8 defendants were convicted under Count I and 14 were acquitted. 12 defendants were convicted under Count II and 4 were acquitted.

The following is a classification of the defendants in the IMT case, based on charges, convictions and acquittals under Count I ("Common Plan or Conspiracy") and Count II ("Crimes against Peace").

(1) Convicted on Count I and Count II

Goering	Rosenberg
Hess	Raeder
Ribbentrop	Jodl
Keitel	von Neurath

(2) Acquitted on Count I and Count II

Schacht	Speer
von Papen	Sauckel

(3) Acquitted on Count I, not charged on Count II

Kaltenbrunner	von Schirach
Frank	Fritzsche
Streicher	Bormann

(4) Acquitted on Count I, Convicted on Count II

Frick	Seys-Inquart
Doenitz	Funk

9. In analyzing the IMT decision we should also bear in mind that the crime against peace requires both an act and a state of mind. (See Prosecutions Preliminary Memorandum Brief, Part I, page 9). In dealing with the act we have stated that anyone who bears a substantial responsibility for conducting activities which are vital to furthering the military power of a country participates in the crime. With respect to the state of mind, this is the knowledge that such military power will be used or is being used for the purpose of carrying out a national policy of aggrandizement to take from the peoples of other countries their land, their property or their personal freedoms.

It is the position of the prosecution that in connection with the charges of preparation and planning and the charge of conspiracy it is sufficient if there exists the belief that although actual force will be resorted to if necessary, such purpose will be accomplished by using the military power merely as a threat; and that it is not essential that the defendants know precisely which country will be the first victim or the exact time that the property rights or the personal freedoms of the peoples of any country will be under attack.

10. A separate question which need not be discussed here concerns what type and quantum evidence is necessary to establish beyond a reasonable doubt that any particular defendant knew at any particular time that Germany's military power would be used for the purpose of carrying out a national policy of aggrandizement to take from the peoples of other countries their land, their property and their personal freedoms.* It is sufficient to note here that the prosecution does not contend that the wide publicity given to the program and aims of the Hitler movement over a period of years is enough in itself to establish beyond a reasonable doubt

* The defense motion does not contend that the evidence fails to establish the state of mind claimed as essential by the prosecution.

that the average person within Germany had the required knowledge. And the evidence must establish more than knowledge of the aggressive program and aims of the Nazi government and belief that there was a possibility that force would be used to carry out the policy of aggrandizement. It must establish beyond a reasonable doubt that the defendants believed that actual force would be employed if necessary to achieve such policy.

11. The evidence which the prosecution is relying on in Case #6 to prove knowledge (in addition to what was common knowledge), is outlined in Part I of the prosecution's brief. While the prosecution does contend that the defendants in Case #6 had a great deal more information and sources of knowledge than the average person within Germany, the prosecution does not need to contend that the defendants in Case #6 had more information and sources of knowledge about Germany's aggressive aims than many of the defendants in the DIT case, including some of those who were acquitted on Count I and/or Count II. It is not necessary to discuss here, for example, whether Krauch, Schmitz, von Schnitzler and other members of the Vorstand knew more about Germany's aggressive aims than Schacht, who lost his influence in 1936; von Papen who never was in any particular favor with Hitler and who left the Reich Cabinet in 1934; or Speer and Sauckel who only held positions of influence well after all the wars had commenced. And we need not consider whether the fact that a particular defendant in the DIT case held a position "in the government" throughout the crucial period necessarily meant that he knew as much or understood as much about Hitler's program of aggression as many key figures "outside the government". (Streicher, for instance, despite his wide reputation as "Jew Baiter Number One", was no more closely connected with the policies and planning of the Nazi government than was Huey Long with the policies and planning of the United States government in Washington.) Whether or not the

defendants in Case #6 knew more about Hitler's aggressive aims than some of the IMT defendants who were acquitted is not controlling here. For in examining those portions of the IMT opinion relating to the defendants who were acquitted on Count I and/or Count II, it must be emphasized that the decision involved both elements of the crime against peace, namely the act and the state of mind. It will be seen that in general the reasons for the acquittals in the IMT judgment were not based on any alleged lack of the required state of mind, but were rather based on the lack of sufficient participation by the defendants acquitted to constitute the required act.

12. It must also be borne in mind that the indictment in Case #6 charges participation in the waging of wars of aggression and invasions; and that the activities of the defendants in connection with both spoliation and slave labor have been charged as constituting an integral part of the preparation and waging of aggressive wars and invasions (See Brief, Part I, pp. 74, 75, Part II, p. 1, Part III pp. 3-5). The IMT indictment included the charge of "waging" wars of aggression in Count II (p. 42). In two cases where the IMT was not satisfied that individual defendants had sufficiently participated in the early planning and preparation of wars of aggression, the IMT did find the requisites of the crime of waging aggressive war established by the proof adduced. This is particularly true in the case of the defendant Doenitz (p. 310). In the findings with respect to Frick, the IMT also emphasized particularly the participation of this defendant in acts constituting the waging of aggressive war. In those cases where the defendants were found guilty on Count II of the IMT indictment, the IMT set forth acts of participation in waging and conduct in support of the aggressive wars. With respect to the charge of waging aggressive war, the principal test of criminality revolves around the extent and

nature of the participation, since it is difficult to see how any intelligent person can reasonably claim that he did not know that Germany's invasions and wars were aggressive once they had started, however much he may claim he thought they were justified. In practice it is often difficult to distinguish sharply between the waging of the earlier invasions and aggressive wars and the preparation for the subsequent aggressive wars. This is particularly true since no intelligent person could have any illusions about Hitler's aggressive policies after the earlier invasions and wars of aggression, and since any substantial participation in waging the earlier invasions and aggressive wars were clearly parts of the preparation for those aggressions which Hitler and his military strategists would initiate in their own good time. The IMT noted that "the Charter makes the planning or waging of a war of aggression ,,, a crime" (p. 219). The distinction emphasized by the IMT, of course, is likewise to be found in Control Council Law No. 10.

General Comments on "Planning Conferences"

13. Before analyzing one by one those portions of the IMT judgment referred to be the defense, it will be helpful to make certain general observations concerning what the defense describe as "the secret conferences which according to the IMT were decisive for the knowledge of a few close advisors of Hitler's aggressive plans." The defense place a great deal of reliance upon the four secret meetings to which the IMT made special reference "because of the light they shed upon the question of the common plan and aggressive war" (IMT judgment p. 188). Apparently according to the defense, persons who did not attend those conferences cannot be convicted on a charge of

participating in the planning, preparation and initiation of invasions and aggressive wars. Not only does the defense misinterpret the significance which the IMT attached to these meetings (see discussion infra), but they have failed to study the attendance records of these meetings. Thus, of the eight persons who were convicted on Count I two of such persons, namely the defendants Hess and Rosenberg, did not attend such meetings. So far as the convictions on Count II are concerned, of the 12 persons who were convicted on this Count, six attended such meetings and six did not attend such meetings. Thus, Hess, Rosenberg, Frick, Doenitz, Seyss-Inquart and Funk did not attend these planning conferences. In fact all four defendants who were convicted on Count II but acquitted on Count I did not attend such meetings. On the basis of these facts, without any more, the most that can be said is that the IMT regarded the attendance at such meetings as being one relevant fact in connection with determining the guilt of a defendant for the particular common plan and conspiracy charged in the IMT indictment. We have already seen that the common plan and conspiracy as worded in the IMT indictment had the Nazi Party as its core and all allegations in connection with the common plan or conspiracy as there charged were centered about Hitler's plans and programs. It is not surprising, therefore, to find that attendance at Hitler's important meetings was regarded as having some significance in connection with the role played by military and political advisors to Hitler.

But even to suggest that the attendance at such meetings has any relevancy with respect to people in the financial, industrial and economic life of a country is to suggest the answer. Preparation for and the waging of aggressive wars required, as stated by the IMT, "the cooperation of statesmen, military leaders, diplomats and businessmen". These groups of men played different roles according to their positions and talents. The industrialists and economists had relatively little if anything to do with the strategic and tactical plannings of campaigns and diplomatic manoeuvres. Their part in the program was to build up a war machine which constituted the force necessary to carry out the program and eventually to exploit the economic and human potential of the peoples of the conquered lands. It would be strange indeed if we should find the Farben Vorstand at the particular strategic conferences on which the defense lay so much stress. Had Hitler found them sitting there he might well have asked: "What are you doing here, why aren't you out doing your job?"

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14. The Reich Cabinet: The defense quote the following passage from the opinion of the IMT (pp 275-276):

".... A number of the cabinet members were undoubtedly involved in the conspiracy to make aggressive war; but they were involved as individuals, and there is no evidence that the cabinet as a group or organization took part in these crimes. It will be remembered that when Hitler disclosed his aims of criminal aggression at the Hossbach Conference, the disclosure was not made before the cabinet and that the cabinet was not consulted with regard to it, but on the contrary, that it was made secretly to a small group upon whom Hitler would necessarily rely in carrying on the war. Likewise no cabinet order authorized the invasion of Poland. On the contrary, the defendant Schacht testifies that he sought to stop the invasion by a plea to the commander in chief of the army that Hitler's order was in violation of the constitution because not authorized by the cabinet."

The defense fail to quote the portion of the IMT judgment immediately proceeding, which reads as follows:

"As to the first reason for our decision, it is to be observed that from the time that it can be said that a conspiracy to make aggressive war existed the Reich Cabinet did not constitute a government body, but was merely an aggregation of administrative officers subject to the absolute control of Hitler. Not a single meeting of the Reich Cabinet was held after 1937, but laws were promulgated in the name of one or more of the cabinet members. The Secret Cabinet Council never met at all. (Emphasis ours).

Even in that portion which the defense did quote it is to be noted that the Tribunal said that "there is no evidence that the Cabinet as a group or organization took part in these crimes." In other words, it is clear that the IMT did not feel that the Reich Cabinet as a group played a sufficient role to be regarded as having performed the necessary act of participation.

It is also not without significance that the IMT gave the following additional reason for their decision:

"As to the second reason, it is clear that those members of the Reich Cabinet who have been guilty of crimes should be brought to trial; and a number of them are now on trial before the Tribunal. It is estimated that there are 48 members of the group, that eight of these are dead and 17 are now on trial, leaving only 23 at the most, as to whom the declaration could have any importance. Any others who are guilty should also be brought to trial; but nothing would be accomplished to expedite or facilitate their trials by declaring the Reich Cabinet to be a criminal organization." (Emphasis ours).

15. Acquittal of Schacht on Count I and Count II: Here again the defense fail to quote all relevant portions of the IMT judgment.

The defense quote this passage:

"It is clear that Schacht was a central figure in Germany's rearmament program, and the steps which he took, particularly in the early days of the Nazi regime, were responsible for Nazi Germany's rapid rise as a military power. But rearmament of itself is not criminal under the Charter. To be a crime against peace under Article 6 of the Charter it must be shown that Schacht carried out this rearmament as part of the Nazi plans to wage aggressive wars ... He was clearly not one of the inner circle around Hitler which was most closely involved with this common plan." (p. 308).

The following portions of the judgment are not quoted by the defense:

"Schacht, by April 1936, began to lose his influence as the central figure in the German rearmament effort when Goering was appointed Coordinator for Raw Materials and Foreign Exchange. Goering advocated a greatly expanded program for the production of synthetic raw materials which was opposed by Schacht on the ground that the resulting financial strain might involve inflation. The influence of Schacht suffered further when, on 16 October 1936, Goering was appointed Plenipotentiary for the Four Year Plan with the task of putting 'the entire economy in a state of readiness for war' within four years. Schacht had opposed the announcement of this plan and the appointment of Goering to head it, and it is clear that Hitler's action represented a decision that Schacht's economic policies were too conservative for the drastic rearmament policy which Hitler wanted to put into effect.

* * * * *

Schacht disagreed with Goering on certain basic policy issues. Schacht, on financial grounds, advocated a retrenchment in the rearmament program, opposed as uneconomical much of the proposed expansion of production facilities, particularly for synthetics, urged a drastic tightening on government credit...

On January 7, 1938, Schacht submitted to Hitler a report signed by the directors of the Reichsbank which urged a drastic curtailment of armament expenditures.... On July 23, 1944, Schacht was arrested by the Gestapo and confined in a concentration camp until the end of the war...

* * * * *

Schacht, as early as 1936, began to advocate a limitation of the rearmament program for financial reasons. Had the policies advocated by him been put into effect, Germany would not have been prepared for a general European war. Insistence on his policies led to his eventual dismissal from all positions of economic significance in Germany. On the other hand, Schacht, with his intimate knowledge of the German finance, was in a peculiarly good position to understand the true significance of Hitler's frantic rearmament and to realize that the economic policy adopted was consistent only with war as its objective.

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His participation in the occupation of Austria and the Sudetenland (neither of which are charged as aggressive wars) was on such a limited basis that it does not amount to participation in the common plan charged in Count I. (Emphasis ours).

Thus the situation with respect to Schacht as presented to the IMT on the basis of the evidence introduced by the prosecution and the defense appears to have been the following:

(a) Up to early 1936 (when according to the IMT Schacht began to lose his influence) it can well be said that Schacht participated in a substantial way in building up the military power of Germany. However, as stated by the IMT, "rearmament of itself is not criminal under the Charter". It must be accompanied by a guilty state of mind. The IMT took the view that during this period of time the evidence did not establish beyond a reasonable doubt the requisite state of mind on the part of Schacht. Thus the IMT cites with considerable reliance the following testimony of Schacht:

"Schacht has contended that he participated in the rearmament program only because he wanted to build up a strong and independent Germany which would carry out a foreign policy which would command respect on an equal basis with other European countries; that when he discovered that the Nazis were rearming for aggressive purposes he attempted to slow down the speed of rearmament; and that after the dismissal of von Fritsch and von Blomberg he participated in plans to get rid of Hitler, first by deposing him and later by assassination." (Emphasis ours). (p.309).

Therefore, during the period when Schacht was participating in a substantial way, "the inference that Schacht did in fact know of the Nazi aggressive plans" had "not been established beyond a reasonable doubt". (p. 310).

(b) After Schacht, by his own admission "discovered that the Nazis were planning for aggressive purposes" the IMT found that he no longer participated in a substantial way in furthering the military power of Germany. In fact he advocated policies which according to the IMT meant that if carried out Germany would not have been prepared for war and took steps to withdraw from active participation. Accord-

ingly while Schacht was participating he did not have the guilty state of mind; after he knew what it meant to participate he refused to do so. It is, of course, axiomatic that the act and the state of mind required to convict a defendant of a crime must have been concurrent.

(c) Schacht's participation in the occupation of Austria and the Sudetenland deserve special comment. In the first place it will be noted that the IMT speaks about such participation as being on "such a limited basis that it does not amount to participation in the common plan", thus confirming the interpretation of the IMT decision discussed above. In other words with respect to Austria and the Sudetenland the IMT spoke of the lack of a sufficient act rather than the lack of the requisite state of mind. In this connection it should also be noted that the IMT specifically referred to the fact that neither the occupation of Austria nor the Sudetenland had been charged as aggressive war.* (p. 309).

16. Acquittal of von Papen on Count I and Count II: The quotations from the IMT by the defense are again very inadequate. The defense quote:

"The evidence leaves no doubt that von Papen's primary purpose as Minister to Austria was to undermine the Schuschnigg regime and strengthen the Austrian Nazis for the purpose of bringing about Anschluss. To carry through this plan he engaged in both intrigue and bullying. But the Charter does not make criminal such offenses against political morality, however bad these may be. Under the Charter von Papen can be held guilty only if he was a party to the planning of aggressive war. There is no evidence that he was a party to the plans under which the occupation of Austria was a step in the direction of further aggressive action..." (p. 327).

* The IMT is frequently cited as holding that the occupations of Austria and the Sudetenland did not constitute aggressive wars. Actually the IMT did not and could not have decided this question, since the indictment filed before the IMT never charged that such occupations were aggressive wars. It is also noteworthy that the Charter did not contain the concept of "invasions" as distinguished from "aggressive wars", which appears in Control Council Law # 10. Moreover, the IMT did find the seizure and occupation of Austria an aggressive act and a "crime within the jurisdiction of the Tribunal". See discussion Part II of this answer, paragraph 5.

The rest of the sentence which concludes this passage reads: nor even that he participated in plans to occupy Austria by aggressive war if necessary". Further quotations from the part of the opinion relating to von Papen are:

"After the signing of this agreement [concerning Austria of 11 July 1936] von Papen offered to resign but his resignation was not accepted...

On February 4, 1938, von Papen was notified of his recall as Minister to Austria...

No evidence has been offered showing that von Papen was in favor of the decision to occupy Austria by force, and he has testified that he urged Hitler not to take this step.

After the annexation of Austria von Papen retired into private life and there is no evidence that he took any part in politics."

It is accordingly clear that the decision of the IMT is based on the thesis that the activities in which von Papen was engaged up until early 1938 did not constitute a sufficient participation to warrant conviction. His activities were not even regarded as being substantially in furtherance of any plan to use military force against Austria if that should become necessary; let alone as being in furtherance of "plans under which the occupation of Austria was a step in the direction of further aggressive action".

17. Acquittal of Speer on Count I and Count II: The portion of the IMT opinion relating to Speer, quoted by the defense, speaks for itself:

"The Tribunal is of the opinion that Speer's activities do not amount to initiating, planning or preparing wars of aggression, or of conspiracy to that end. He became the head of the armament industry well after all of the wars had been commenced and were under way. His activities in charge of German armament production were in aid of the war effort in the same way that other productive enterprises aid in the waging of war; but the Tribunal is not prepared to find that such activities involve engaging in the common plan to wage aggressive war as charged under Count I or waging aggressive war as charged under Count II."

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Speer "became the head of the armament industry well after all the wars had been commenced and were under way". The Tribunal did not regard his activities at such a late date as constituting a sufficient participation. That this is true is conclusively demonstrated by the fact that Doenitz, who participated actively "immediately upon the outbreak of war" was found guilty of waging aggressive war. It is obvious that once the wars had started both Doenitz and Speer knew that they were aggressive. Accordingly, the state of mind of both was sufficient provided the act of participation existed. The reading of those portions of the judgment relating to Doenitz and Speer indicate clearly that the IMT regarded Doenitz's activities as constituting sufficient participation whereas they did not so regard Speer's, on the basis of the evidence introduced. (It may be noted that practically all of the evidence before the Tribunal concerning Speer's activities related to a limited part of his participation in the slave labor program.) There is nothing in the IMT judgment indicating that the Tribunal thought that Doenitz had a different state of mind as to the wars being waged than Speer.

18. Acquittal of Sauckel on Count I and Count II: The reason Sauckel was acquitted on Counts I and II is thus stated by the Tribunal: "The evidence has not satisfied the Tribunal that Sauckel was sufficiently connected with the common plan to wage aggressive war or sufficiently involved in the planning or waging of aggressive wars to allow the Tribunal to convict him on Counts I and II." (p. 330). That the reason for acquittal was insufficient participation by a person who assumed important duties in March 1942, and not lack of a guilty state of mind, is clear.

It should be noted at this point that the prosecution does not regard this decision as detracting in any way from its position that the slave labor program was an integral part of the preparation for and waging of aggressive wars. The most that can be said of the decision with respect to Sauckel is that engaging in or participating, long after all the aggressive wars had been initiated,

in the slave labor program alone was not deemed by the Tribunal as being sufficient to constitute the act of participation in aggressive war.

(NOTE: the next six defendants discussed, namely Kaltenbrunner, Frank, Streicher, von Schirach, Fritzsche and Bormann, were not indicted under Count II of the IMT indictment, which is comparable to Count I of the indictment in Case # 6; quite apart from the fact that Count I of the IMT indictment, under which they were charged, was substantially different from the present Count V of the indictment in Case # 6.)

19. Acquittal of Kaltenbrunner on Count I: The acquittal of Kaltenbrunner on Count I was based squarely on the finding that the evidence did not show "his direct participation" in any conspiracy to wage an aggressive war. (p. 291). Kaltenbrunner was "after the Anschluss... appointed Austrian State Secretary for Security and when this position was abolished in 1941 he was made Higher SS and Police Leader." (p. 291). Only on 30 January 1943, was Kaltenbrunner appointed Chief of the Security Police and SD and Head of the Reich Security Head Office. It may be noted that in referring to the evidence with respect to the activities of Kaltenbrunner, the IMT specifically mentioned that the invasion of Austria which the IMT labeled an "aggressive act" had not been charged as an aggressive war.

20. Acquittal of Frank on Count I: The reasons for the acquittal of Frank on Count I are stated in these words by the Tribunal at page 296: "The evidence has not satisfied the Tribunal that Frank was sufficiently connected with the common plan to wage aggressive war to allow the Tribunal to convict him on Count I." Frank's position before 1939 was described by the IMT as follows: "He became a member of the Reichstag in 1930, the Bavarian State Minister of Justice in March 1933, and when this position was incorporated into the Reich Government in 1934, Reich Minister without Portfolio. He was later Reichleiter of the Nazi Party in charge of legal affairs in 1933, and in the same year President of the Academy for German Law." (p. 296).

21. Acquittal of Streicher on Count I: Given the very nature of Streicher's activities, as reprehensible as they were, on the basis of the evidence introduced the Tribunal did not find beyond a reasonable doubt that such activities were sufficiently connected with a common plan or conspiracy to wage aggressive war. Mere participation in some of the inhumane policies of the Nazi government does not necessarily constitute participation in their program for aggression. Streicher's position in the Third Reich was described by the IMT as follows: "One of the earliest members of the Nazi Party, joining in 1921, he took part in the Munich Putsch. From 1925 to 1940 he was Gauleiter of Franconia. Elected to the Reichstag in 1933, he was an honorary General in the SA." (p. 301).

22. Acquittal of von Schirach on Count I: Until 1940 von Schirach was Reich Leader of German youth; thereafter he was Gauleiter and Reich Governor of the City of Vienna. The IMT made the following comments concerning the participation by von Schirach in the common plan or conspiracy:

"Despite the warlike nature of the activities of the Hitler Jugend, however, it does not appear that von Schirach was involved in the development of Hitler's plan for territorial expansion by means of aggressive war, or that he participated in the planning or preparation of any of the wars of aggression." (p. 318).

The IMT indictment had charged the following as part of the common plan or conspiracy of which the Nazi party was the "central core" (p. 30-34):

"In order to make the German people amenable to their will and to prepare them psychologically for war, the Nazi conspirators reshaped the educational system and particularly the education and training of the German youth."

Thus the IMT indictment itself only stressed the "warlike nature" of these activities and did not charge their direct relationship to "Hitler's plan for territorial expansion".

23. Acquittal of Fritzsche on Count I: The portion of the judgment cited by the defense concerning Fritzsche is especially revealing:

"Never did he achieve sufficient stature to attend the planning conferences which led to aggressive war; indeed according to his own uncontradicted testimony he never had even a conversational

action with Hitler. Nor is there any showing that he was informed of the decisions taken at these conferences. His activities cannot be said to be those which fall within the definition of the common plan to wage aggressive war as already set forth in this judgment." (p. 337).

It shows, we believe, that he was acquitted not because he did not have the requisite state of mind but because he did not engage in activities regarded as sufficient to constitute participation. As the IMT stated:

"Fritzsche had no control of the formulation of these propaganda policies. He was merely a conduit to the press of the instructions handed him by Dietrich.... In the beginning Dietrich and other heads of divisions exerted influence over the policies to be followed by radio. Towards the end of the war, however, Fritzsche became the sole authority within the Ministry for radio activities." (p. 337).

Thus, the IMT found that Fritzsche participated only in a minor way up until late in the war. Insofar as he participated substantially late in the war, his case is similar to the cases of Sauckel and Speer.

24. Acquittal of Bormann on Count I: The portion of the IMT judgment concerning the charges against Bormann under Count I reads as follows: (pp. 338, 339).

"Bormann in the beginning a minor Nazi, steadily rose to a position of power and, particularly in the closing days, of great influence over Hitler. He was active in the Party's rise to power and even more so in the consolidation of that power. He devoted much of his time to the persecution of the churches and of the Jews within Germany.

The evidence does not show that Bormann knew of Hitler's plans to prepare initiate or wage aggressive wars. He attended none of the important conferences when Hitler revealed piece by piece these plans for aggression. Nor can knowledge be conclusively inferred from the positions he held. It was only when he became head of the Party Chancellery in 1941, and later in 1943 Secretary to the Fuehrer when he attended many of Hitler's conferences, that his positions gave him the necessary access. Under the view stated elsewhere which the Tribunal has taken of the conspiracy to wage aggressive war, there is not sufficient evidence to bring Bormann within the scope of Count I." (Emphasis ours).

Although the above quoted portion speaks of "knowledge", a reading of the whole decision on Bormann, including that part concerning War Crimes and Crimes against Humanity, indicates that the evidence did not show any substantial participation by Bormann in furtherance of the war effort until 1941, well after most of the aggressions had been launched. The fact that the evidence did not show that he "knew" of the details of Hitler's plans confirms the fact that his rise to a "position of power" in the government was "in the closing days". To the extent that the IMT meant to indicate a lack of a sufficient state of mind on the part of Bormann, it should be noted that "he devoted much of his time to the persecution of the churches and of the Jews within Germany"; and that the evidence introduced by the prosecution was devoted almost entirely to these activities and to the other War Crimes and Crimes against Humanity referred to in the IMT decision.

25. Acquittal of Frick on Count I; Conviction on Count II: In acquitting Frick of participation in the common plan or conspiracy, the Tribunal stated;

"Before the date of the Austrian aggression Frick was concerned only with domestic administration within the Reich. The evidence does not show that he participated in any of the conferences at which Hitler outlined his aggressive intentions. Consequently the Tribunal takes the view that Frick was not a member of the common plan or conspiracy to wage aggressive war as defined in this Judgment." (p. 299).

In other words, Frick's activities before the Austrian aggression did not constitute a substantial enough contribution to the common plan or conspiracy. Frick was found guilty on Count II. One of the important considerations, in the view of the IMT, was the fact that Frick's participation in furthering Germany's aggressive program became substantial only after aggression had started. The Common Plan or Conspiracy as charged in Count I of the IMT indictment, was so worded that as stated by the Tribunal it "covers 25 years, from the formation of the Nazi Party in 1919 to the end of the war in 1945". (p. 224). Although the IMT did not find any master conspiracy covering 25 years (stating at page 225 that "it must not be too far removed from the time of decision and of action"), the IMT apparently did feel that in order to establish the common plan or conspiracy as it was charged, a substantial participation had to be established before the beginning of the first aggression, the invasion of Austria.

26. Acquittal of Doenitz on Count I; Conviction on Count II: In acquitting Doenitz on Count I, the Tribunal stated (p. 310): "He was a line officer performing strictly tactical duties. He was not present at important conferences when plans for aggressive war were announced and there is no evidence he was informed about the deci-

sions reached there". The Tribunal then found that his contribution to the waging of war was sufficient to convict him under Count II. The Tribunal stated (p. 310):

"Doenitz did, however, wage aggressive war within the meaning of that word as used by the Charter. Submarine warfare which began immediately upon the outbreak of war, was fully coordinated by the other branches of the Wehrmacht. It is clear that his U-boats, few in number at the time, were fully prepared to wage war."

The whole basis of the judgment with respect to Doenitz thus depends on the extent of his participation.

27. Acquittal of Seyss-Inquart on Count I; Conviction on Count II:

The activities of Seyss-Inquart for which he was convicted under Count II started "in the last stages of the Nazi intrigue which preceded the German occupation of Austria". The basic reasons why Frick was acquitted on Count I and convicted on Count II are equally applicable here.

28. Acquittal of Funk on Count I; Conviction on Count II: The reasoning of the Tribunal is particularly significant and in full accord with the position of the prosecution: We quote in full from the portion of the IMT judgment dealing with the conviction of Funk under Count II and his acquittal under Count I:

"Funk became active in the economic field after the Nazi plans to wage aggressive war had been clearly defined. One of his representatives attended a conference on 14 October 1938, at which Goering announced a gigantic increase in armaments and instructed the Ministry of Economics to increase exports to obtain the necessary exchange. On 28 January 1939, one of Funk's subordinates sent a memorandum to the OKW on the use of prisoners of war to make up labor deficiencies which would arise in case of mobilization. On 30 May 1939, the Under Secretary of the Ministry of Economics attended a meeting at which detailed plans were made for the financing of the war.

On 25 August 1939, Funk wrote a letter to Hitler expressing his gratitude that he was able to participate in such world-shaking events; that his plans for the "financing of the war", for the control of wage and price conditions and for the strengthening of the Reichsbank had been completed; and that he had inconspicuously transferred into gold all foreign exchange resources available to Germany. On 14 October 1939, after the war had begun, he made a speech in which he stated that the economic and financial departments of Germany working under the Four Year Plan had been engaged in the secret economic preparation for war for over a year.

Funk participated in the economic planning which preceded the attack on the USSR. His deputy held daily conferences with Rosenberg on the economic problems which would arise in the occupation of Soviet territories. Funk himself participated in planning for the printing of ruble notes in Germany prior to the attack to serve as occupation currency in the USSR. After the attack he made a speech in which he described plans he had made for the economic exploitation of the vast territories of the Soviet Union which were to be used as a source of raw material for Europe.

Funk was not one of the leading figures in originating the Nazi plans for aggressive war. His activity in the economic sphere was under the supervision of Goering as Plenipotentiary General for the Four Year Plan. He did, however, participate in the economic preparation for certain of the aggressive wars, notably those against Poland and the Soviet Union, but his guilt can be adequately dealt with under Count II of the indictment." (Emphasis ours).

28. In summary, the judgment of the IMT, as it relates to the Reich Cabinet and the 14 defendants who were acquitted on certain charges under Counts I and II of the IMT indictment, supports rather than contradicts the position of the prosecution. Such acquittals, as we have seen, were based on the whole on insufficient evidence to warrant a finding beyond a reasonable doubt that the defendants had participated in a substantial enough degree in the program of aggression. With respect to Count I, the "Common Plan or Conspiracy", the indictment as framed required substantial participation prior to the invasion of Austria. With respect to Count II, substantial participation prior to the invasion of Austria was not required, but such participation could not begin "well after all the wars had been commenced."

30. In no single case of the acquittal of any of these 14 defendants under Count I or Count II can the evidence be compared with the evidence of the activities of the defendants in this case extending over a period of years, beginning a long time before the war and ending only with the collapse of Germany. It has been shown (Part I of the Brief) that the defendants participated through Farben and otherwise in a series of activities over a period of 12 years, which included furnishing Hitler with substantial financial support

to help him seize power and continuing to support him financially to keep him in power; working in close corporation with the Wehrmacht; organizing and preparing mobilization plans; participating in the economic mobilization of Germany for war including a major role in the Four Year Plan; engaging in activities indispensable to creating and equipping the Nazi war machine; stockpiling strategic war materials; engaging in vital propaganda, intelligence and espionage activities; using their business connections and cartels as a weapon to weaken the war potential of other countries; camouflaging and using their assets abroad for war purposes; planning to take over the chemical industry of Europe and possibly dominate the chemical industry of the world; plundering the whole of Europe; using slave labor on a vast scale to feed the German war machine. The activities for which the above mentioned 14 defendants before the IMT were responsible constituted far less a participation in furthering the military power of Germany than did the above activities. The defense place considerable reliance on the acquittals of Schacht, von Papen and Speer. If any of the defendants in this case could prove as did Schacht that he "opposed the proposed expansion of production facilities especially for synthetics" and that "he urged a drastic curtailment of armament expenditure" and that he "participated in plans to get rid of Hitler"; or as did von Papen that for political reasons he "offered to resign but his resignation was not accepted" and that he "retired into private life" when aggression began; or as did Speer that his participation started only "well after all the wars had been commenced and were under way"; the Prosecution would take a very different position with respect to these defendants.

31. The defense cites with considerable reliance the following excerpts from the judgment of the IMT under the heading "The Law as to

the Common Plan or Conspiracy", (p. 224-225):

"The Tribunal must examine whether a concrete plan to wage war existed, and determine the participation in that concrete plan."

"But the evidence establishes with certainty the existence of many separate plans rather than a conspiracy embracing them all."

A careful reading of that portion of the judgment from which these excerpts are taken shows that their real meaning is lost when they are taken out of context. Thus the IMT spoke of the fact that the indictment had charged a common plan or conspiracy covering 25 years, from the formation of the Nazi Party in 1919 to the end of the war in 1945; that the Party was treated in the indictment as the "instrument of cohesion among the defendants" for carrying out the purposes of the conspiracy; that a series of activities over 25 years were charged as constituting "the conspiracy". The IMT judgment then stated, (p.225):

"The prosecution says, in effect, that any significant participation in the affairs of the Nazi Party or Government is evidence of a participation in a conspiracy that is in itself criminal. Conspiracy is not defined in the Charter. But in the opinion of the Tribunal the conspiracy must be clearly outlined in its criminal purpose. It must not be too far removed from the time of decision and of action. The planning, to be criminal, must not rest merely on the declarations of a party program, such as are found in the 25 points of the Nazi Party, announced in 1920, or the political affirmations expressed in "Mein Kampf" in later years. The Tribunal must examine whether a concrete plan to wage war existed and determine the participants in that concrete plan.

"It is not necessary to decide whether a single master conspiracy between the defendants has been established by the evidence. The seizure of power by the Nazi Party, and the subsequent domination by the Nazi State of all spheres of economic and social life must of course be remembered when the later plans for waging war are examined. That plans were made to wage war, as early as 5 November 1937, and probably before that, is apparent. And, thereafter, such preparations continued in many directions, and against the peace of many countries. Indeed the threat of war — and war itself if necessary — was an integral part of the Nazi policy. But the evidence establishes with certainty the existence of many separate plans rather than a single conspiracy embracing them all." (Emphasis ours).

In other words, the IMT did not find it necessary to decide whether "a single master conspiracy" extending over 25 years existed as

"a concrete plan to wage war", but did find that the evidence established with certainty "the existence of many separate plans". In so finding, it is significant that the IMT stated that "the threat of war — and war itself if necessary — was an integral part of the Nazi policy."

32. Not only do the above portions of the IMT decision support the position of the Prosecution, but other portions of the IMT decision affirmatively support this position. The IMT stresses "the reorganization of the economic life of Germany for military purposes" as being a vital part of Germany's preparation for aggression (see Judgment pp. 182-186). That the IMT regarded those who participated in the economic mobilization of Germany for aggression as being guilty of a crime against peace is clear. The following quotation from the Opinion (pp. 225, 226) seems conclusive on this point:

"Continued planning, with aggressive war as the objective, has been established beyond doubt. The truth of the situation was well stated by Paul Schmidt, official interpreter of the German Foreign Office, as follows:

"The general objectives of the Nazi leadership were apparent from the start, namely the domination of the European Continent, to be achieved first by the incorporation of all German speaking groups in the Reich, and secondly, by territorial expansion under the slogan 'Lebensraum'. The execution of these basic objections, however, seems to be characterized by improvisation. Each succeeding step was apparently carried out as each new situation arose, but all consistent with the ultimate objectives mentioned above."

The argument that such common planning cannot exist where there is complete dictatorship is unsound. A plan in the execution of which a number of persons participate is still a plan, even though conceived by only one of them; and those who execute the plan do not avoid responsibility by showing that they acted under the direction of the man who conceived it. Hitler could not make aggressive war by himself. He had to have the co-operation of statesmen, military leaders, diplomats, and business men. When they, with knowledge of his aims, gave him their cooperation, they made themselves parties to the plan he had initiated. They are not to be deemed innocent because Hitler made use of them, if they knew what they were doing. That they were assigned to their tasks by a dictator does not absolve them from responsibility for their acts. The relation of leader and follower does not preclude responsibility here any more than it does in the comparable tyranny of organized domestic crime".

The Defense attempt to argue that the phrase "with knowledge of his aims" means "being directly and personally connected with specific secret plannings of Hitler". Neither the words themselves nor the context in which they appear nor anything in the IMT judgment can justify such a construction.

33. The discussions of the IMT (pp. 192-194) of the seizure of Austria (not charged in the indictment before the IMT as an aggressive war) also reveal the real basis of that judgment and show that the reasoning of the prosecution in this case is entirely consistent with the theory of the IMT. Thus the Tribunal stated (pp. 192-194):

"The invasion of Austria was a pre-meditated aggressive step in furthering the plan to wage aggressive wars against other countries. As a result Germany's flank was protected, that of Czechoslovakia being greatly weakened. The first step had been taken in the seizure of 'Lebensraum'; many new divisions of trained fighting men had been acquired; and with the seizure of foreign exchange reserves, the re-armament program had been greatly strengthened.

* * * * *

"It was contended before the Tribunal that the annexation of Austria was justified by the strong desire expressed in many quarters for the union of Austria and Germany; that there were many matters in common between the two peoples that made this union desirable; and that in the result the object was achieved without bloodshed.

"These matters, even if true, are really immaterial, for the facts plainly prove that the methods employed to achieve the object were those of an aggressor. The ultimate factor was the armed might of Germany ready to be used if any resistance was encountered."

And as pointed out in the prosecution's Brief, the IMT in discussing the decision to seize Austria and Czechoslovakia made the following comments with respect to defendant Raeder's state of mind (p. 191):

"The defendant Raeder testified that neither he, nor von Fritsch, nor von Blumberg, believed that Hitler actually mean war, a conviction which the Defendant Raeder claims that he held up to 22 August 1939. The basis of this conviction was his hope that Hitler would obtain a 'political solution' of Germany's problems. But all that this means, when examined, is the belief that Germany's position would be so good, and Germany's armed might so overwhelming that the territory desired could be obtained without fighting for it."

* The defense attempt to take away from the force of this passage from the IMT judgment by pointing to the fact that the defendant Raeder "was one of the five leaders present at the Hossbach conference of 5 November 1937". That the defendant Raeder took part

34. Not only is the position of the prosecution consistent with the IMT Judgment, but the position urged by the defense if adopted would render the decision utterly meaningless. The mere statement of what the position of the defense amounts to seems to be in itself an answer. According to the defense any person may feel free to play a vital role in building up a country's war machine knowing that it is going to be used to take from the peoples of other countries their land, their property or their personal freedoms; so long as such a person does not attend a military conference in which it is decided that during a particular period of time a certain country will be invaded. If Hitler had called all of these defendants to a formal conference and had said to them:

"I want you to go and make a war machine so that I can conquer other countries; I cannot tell you now which country will be first or when I shall begin; I am not sure yet myself; so many things can happen, political, military, what not; but you can be sure we will get what we want and there will be plenty of spoils to divide amongst us." *

then, according to the position of the defense, these defendants would have been free to participate in this program in as great a degree as possible without being criminally responsible merely because Hitler had not told them what country he was going to attack first or when the people of that country would be hit over the head, or in the words of the motion had not given them "definite" or "special knowledge of specific aggressive plans."

in this conference is obviously a relevant fact in considering the extent of his overall participation in the planning and waging of aggressive war, but it is difficult to see how it qualifies in any respect that portion of the IMT judgment quoted. (see supra).

**It will be recalled that Krauch and von Schnitzler (who reported to the enlarged Farben Committee) heard Goering say in December, 1936, in Hitler's presence:

"The battle which we are approaching demands a colossal measure of productive ability. No limit on the rearmament can be visualized *** If we win business will be sufficiently compensated." (Exh. 421).

35. The defense argues that "the limitation of the persons responsible for crimes against peace by the IMT is well justified by the fact that otherwise the scope of responsible persons would practically be unlimited, which would result in mass punishment". This is an attempt by the defense to completely distort the position of the prosecution. The prosecution has not argued for a proposition which would result in mass punishment. The interpretation which the prosecution puts on the judgment of the IMT and the theory it takes with respect to crimes against peace in accordance with that interpretation is diametrically opposed to any theory of mass punishment. By limiting the criminal responsibility of persons to those who bear a substantial responsibility for conducting activities which are vital to furthering a country's military power for the purposes indicated, we have placed a more realistic as well as a stricter limit upon those who could be held responsible than is placed by the theory advanced by the defense. The defense tries to place a limit on the persons who can be held responsible by defining in an arbitrary and unrealistic manner the state of mind which such persons are required to have. Under this arbitrary definition, if a few leaders of a country keep certain details secret, then the number of persons liable might well be small -- in fact possibly only a handful of persons would be liable for a world tragedy and for the death of millions of people. But if the leaders should announce these details then we would indeed have mass punishment. Suppose Hitler had announced to the German people in August 1939, that unless certain demands of him for Polish territory were met he would attack Poland in September. Is it the position of the defense that this would mean that all people within Germany who participated in furthering this program would be guilty? By limiting criminal responsibility in terms of the extent of participation and a reasonable definition of the required state of mind (rather than in arbitrary and meaningless terms of the

state of mind) the position of the prosecution limits responsibility in a far more effective and realistic way than does the position of the defense.

36. The whole basis of the IMT judgment is that civilized society regards the use of force between nations in the same light as the use of force between persons within nations. A long time ago one man could take from another by force his land, his property and even his life without being held responsible. Society came to realize that this was wrong and that unless a stop were put to it, it would mean the end of society. And so the common law courts declared these things criminal in accordance with the overwhelming wishes of the members of the local communities — there was a first robbery case, a first murder case. The law was putting its stamp on the moral code of civilized communities. The IMT judgment stands for the same thing only on a world scale. The international community came to regard the use of force by the people of one nation to take away that which belonged to the people of another nation as being wrong and realized that unless a stop were put to this it would mean the end of world civilization. It is this simple proposition, nothing more and nothing less, that the prosecution is contending for here. We say that the IMT is meaningless if it stands for anything less than this.

The very foundation of this proposition is, of course, destroyed if a person can escape responsibility by showing that, although he played a substantial and vital role in building up a country's war machine knowing it was to be used for taking land and property from other people by force, he did not know where and when the first attack would take place. If a number of men should participate in an undertaking to rob a series of banks in a town, it would hardly be suggested that anyone of them could escape responsibility by alleging that although he participated in the undertaking (knowing banks would be robbed) he had not been advised which bank would be robbed first or when the first robbery was scheduled to

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take place. If one group of gangsters should decide to "eliminate" a rival gang by killing most of its members, anyone participating in such an undertaking would not be heard to defend his actions by alleging that he did not know precisely which members of the rival gang it had been decided to murder, or who was to be murdered first, or when the first murder was scheduled to occur.

B. The Position of the Defense is Contrary to the basic concepts and provisions of Control Council Law No. 10, which govern the jurisdiction of and the law to be applied by this Tribunal.

37. The foregoing indicates why the prosecution believes that the position of the Defense is contrary to the decision of the IMT and if sustained would render that decision meaningless. Moreover, even assuming it could be contended that the London Charter and the decision of the IMT did not cover certain aspects of this case, we are dealing here with the provisions of Control Council Law No. 10. The provisions of Control Council Law No. 10 are broader in some respects than the provisions of the London Charter and to the extent that they are broader such provisions and not the provisions of the London Charter govern the jurisdiction of and the law to be applied by this Tribunal. The defense argue that the provisions of the Control Council Law No. 10 "must be kept within the limits of the interpretation of the Charter adopted by the IMT judgment." There are no grounds for such a contention, which in effect amounts to a collateral attack upon the jurisdictional basis of the very law to which this Tribunal owes its existence. The reasoning by which Defense reaches that conclusion is that the Charter of the International Military Tribunal controls these proceedings and that to the extent that Control Council Law No. 10 goes beyond the provisions of the Charter as interpreted by the International Military Tribunal, it is invalid. The defense also apparently contend that even if the

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Control Council for Germany had the power to enact legislation containing provisions broader than the charter as interpreted by the IMT, such provisions to the extent they are broader are ex post factor and therefore invalid. Both positions are ^{tenable} untenable.

As to the Validity of Control Council Law No. 10

38. In the Judgment of Military Tribunal III, (U.S. vs. Altstoetter et al, the Justice Case) the Tribunal considered at length the jurisdictional enactments of these Military Tribunals and concluded:

"We hold that the legal right of the Four Powers to enact Control Council Law No. 10 is established and that the jurisdiction of this Tribunal to try persons charged as major war criminals of the European Axis must be conceded. We sit as a Tribunal drawing its sole power and jurisdiction from the will and command of the Four occupying powers".

Military Tribunal No. III also stated:

"Since the Charter and Control Council Law No. 10 are the product of legislative action by an international authority, it follows of necessity that there is no national constitution of any one State which could be invoked to invalidate the substantive provisions of such international legislation. It can scarcely be argued that a court which owes its existence and jurisdiction solely to the provisions of a given statute could assume to exercise that jurisdiction and then, in the exercise thereof, declare invalid the act to which it owes its existence. Except as an aid to construction, we cannot and need not go behind the statute."

The Tribunal then referred to the discussion of the IMT in connection with the contention then made by the defendants that it partook of the nature of ex post facto legislation, and quoted the following from the IMT judgment:

"The Charter makes the planning or waging of a war of aggression or a war in violation of international treaties a crime; and it is therefore, not strictly necessary to consider whether and to what extent aggressive war was a crime before the execution of the London Agreement."

Treating Control Council Law No. 10 as substantive legislation by the Four occupying powers of Germany, there remains for consideration the argument of the Defense that the Control Council Law cannot introduce any elements not dealt with in the Charter of the IMT.

39. We are not dealing at this point with the question of interpretation or construction of the Control Council Law. The question which the Defense raises is one of power. As we understand their argument they say that when the Four Powers signed the London Agreement of 8 August 1945 and made the Charter a part thereof, they exhausted and spent their full legislative authority over Germany in so far as the Trial of Major War Criminals was concerned. And that in any event the Charter itself fixed the limits of the powers of the Control Council in this respect.

40. There is no need to dwell on the point that the act of entering into the London Agreement by the Four Powers was a full and complete exercise of their legislative powers over Germany. There is no such limitation on the exercise of sovereign powers. As to the point that the Charter purports to be a limitation on the subsequent exercise of power by the Control Council, the Agreement is susceptible to no such interpretation, (and even if it were so intended at the time the Four Powers acting through their representatives on the Control Council would not be bound by their own limitations).

41. The London Agreement of 8 August 1945 by its very terms recognizes the Control Council for Germany as having independent powers in this field. This Article I of the Agreement states:

"There shall be established after consultation with the Control Council for Germany an international military Tribunal for the trial of war criminals whose offenses have no particular geographical location."

This provision for consultation with the Control Council confirms the fact that the Four Powers did not intend by entering into the London Agreement to deprive their own supreme governing body in Germany of any of its inherent powers.

42. That the Four Powers took this view of the situation is made clear by the provisions of Control Council Law No. 10 itself, which became effective a few months after the London Agreement was signed and one month after the IMT trial had started. Thus, the

Preamble recites that the Control Council Law is enacted not only to give effect to the Moscow Declaration, the London Agreement and the Charter but also "in order to establish a uniform legal basis in Germany for the prosecution of War Criminals and other similar offenders, other than those dealt with by the International Military Tribunal". Also, Article I provides that:

"Adherence to the provisions of the London Agreement by any of the United Nations, as provided for in Article V of that agreement, shall not entitle such Nations to participate or interfere in the operation of this Law within the Control Council Area of authority in German."

43. In any event, even assuming the London Agreement and Charter were considered as binding where applicable, their provisions are manifestly not applicable to the situation under discussion. The definition of "Crimes against Peace" and other crimes in the Charter is preceded by this:

"The Tribunal established by the Agreement referred to in Article I. Hereof for the trial and punishment of the major war criminals of the European Axis countries shall have the power to try and punish persons who, acting in the interests of the European Axis countries, whether as individuals or as members of organizations, committed any of the following crimes. The following acts, or any of them, are crimes coming within the jurisdiction of the Tribunal for which there shall be individual responsibility." (Emphasis ours).

The Tribunal referred to is the International Military Tribunal, composed of four members (each with an alternate) appointed by the Four Powers respectively. Thus, the crimes defined in the Charter are acts over which the Charter gave the IMT jurisdiction. The Charter does not purport to define such crimes for any other purpose and certainly does not purport to even suggest that the jurisdiction of Tribunals other than the IMT are to be limited by such definitions.

If it is contended that these particular provisions of the London Charter, referring as they do only to acts which are crimes within the jurisdiction of the IMT, are applicable and binding here, such an argument can only mean that the IMT should be sitting today

trying persons who committed such Crimes as defined in the Charter and that Control Council Law No. 10 is void and this Tribunal was illegally constituted.

Concerning the "Ex Post Facto" Argument

44. The Defense also argue that if Control Council Law No. 10 is construed as being any broader than the London Charter as interpreted by the IMT this would mean "punishment of crimes without a pre-existing law". The position of the Defense apparently is that the London Charter and the IMT had completely codified International Law as it existed at the time the crimes were committed. No basis exists for such a contention. The London Agreement incorporating the Charter was signed on 8 August 1945, and the Control Council Law No. 10 signed by the Four Powers on 20 December 1945. Neither the London Charter nor the Control Council Law No. 10 purport to completely codify international law existing at the time, whether with respect to Crimes against Peace, War Crimes, or Crimes against Humanity. Each of them, in the words of Chief Justice Stone (Prosecution Brief p. 5) should be treated as a "recognition of a policy by the supreme lawmaking body" and "as both a declaration and a source of law, and as a premise for legal reasoning." As we have seen the Charter only defined such Crimes in setting forth the jurisdiction of the IMT. The provisions of Control Council Law No. 10 are no more ex post facto by reason of the fact that they were inserted in Control Council Law No. 10 in December 1945 than they would be had they been included in the London Charter in August 1945. In either case, assuming for argument that the principle of ex post facto is applicable here, the sole test would be whether or not such provisions purported to be more than a codification of international Law as it existed when the crimes were committed. There is no reason for giving more weight to the provisions of the Charter as a codification of international law existing in 1938 and 1939 than to the provisions of

the Control Council Law which created and governs this Tribunal.

45. In any event, the very foundation of any "ex post facto" argument is lacking when such argument is applied to the scope of Crimes against peace relied upon by the prosecution for the purposes of this case. In the words of the Honorable Henry Stimson: "The charge of aggressive war is unsound, therefore, only if the community of nations did not believe in 1939 that aggressive war was an offense. Merely to make such a suggestion, however, is to discard it. Aggression is an offense, and we all know it; we have known it for a generation. It is an offense so deep and heinous that we cannot endure its repetition." The prosecution cannot believe the defense wish to contend that when the acts involved were committed the world had not condemned the use of force by the people of one nation to take away that which belonged to the people of another nation; but had only condemned the participation in strategy meetings at which discussions were taken as to who should be attacked first and when the attack should take place.

The Provisions of Control Council Law No. 10

46. The provisions of Control Council Law No. 10 are broader than the provisions of the London Charter in the following significant respects:

(a) The definition of "Crimes against Peace" as set forth in Paragraph 1 of Article II contains the concept "invasions of other countries", which was not contained in the Charter.

(b) Paragraph 2 of Article II contains the following substantive provisions not contained in the Charter: "Any person without regard to nationality or the capacity in which he acted, is deemed to have committed a crime as defined in Paragraph 1 of this Article, if he was (a) a principal or (b) an accessory to the commission of any such crime or ordered or abetted the same or (c) took a consenting part therein or (d) was connected with plans or enterprises involving its commission or (e) was a member of any organization or group connected with the

commission of any such crime or (f) with reference to paragraph 1 (a) if he held a high political, civil or military (including General Staff) position in Germany or in one of its Allies, co-belligerents or satellites or held high position in the financial, industrial or economic life of any such country."

47. The reason for the inclusion of the concept "invasion" in the Control Council law is evident. It can only mean that Control Council Law No. 10 comprehended the seizures of Austria and Czechoslovakia (which the IMT indictment had referred to as "aggressive actions" and "invasions" but had not charged as "aggressive wars") under the definition of Crimes against Peace. This is especially significant in that it serves to confirm that the use of force by one country to take away that which belongs to another is the cornerstone of what the Control Council law is condemning, just as it had already been condemned by the civilized world and was later condemned in the IMT judgment.

48. If there were any need for further confirmation of the fact that Control Council Law No. 10 covers the activities of persons other than "high governmental and military functionaries", Paragraph 2 of Article II would supply such confirmation. As pointed out in the prosecution's Brief (p.7), it is overly clear from such paragraph that Control Council Law No. 10 recognizes no distinction between so-called "private persons" and so-called "government officials". Whatever interpretations may be attached to the provisions of Paragraph 2 (f) insofar as it relates to the question of the evidence and proof - whether it shifts the burden of going forward with the evidence (as distinguished from the burden of proof), or whether it creates certain inferences or is merely to be regarded as making certain facts particularly relevant - it is difficult to see how anyone can question that it reveals the intention of the framers of Control Council Law No. 10 to have its provisions equally as applicable

to persons holding high positions in the financial, industrial or economic life of a country as to persons holding high positions in the political, civil or military life of Germany.

49. It might be noted here that the defense interject at this point in their Motion a question as to whether the prosecution is contending that it does not have the burden of proving beyond a reasonable doubt the guilt of each individual defendant. The prosecution does not understand why there should be any confusion on this point, but in order to make the record clear we state here that the prosecution believes that it has the burden and assumes the burden of proving beyond a reasonable doubt that each individual defendant is guilty of the crimes charged in the Indictment.

50. The provisions of paragraph 2 of Article II as a whole are broader in some respects than the provisions of the Charter. They furnish a different starting point for this Tribunal than that which was applicable to the IMT. This Tribunal is clearly not bound by the provisions of the London Charter of the IMT decision in interpreting these aspects of the Control Council Law.

51. Certainly as an aid to construction of Control Council Law No. 10 (assuming there is an ambiguity requiring such aid), this Tribunal will take cognizance of the factual situation which gave rise to the codification of Crimes against Peace, namely, the fact of "total war". It would be contrary to our experience to say that the preparation for aggressive total war is limited to a handful of political and military leaders of a state. This Tribunal will take judicial notice of the fact that to prepare for total war involves the entire economic system of a country which has to be organized for that purpose over a period of years. Certainly knowing participation in the preparation of aggressive total war could not by its very nature be limited to a handful of military or political leaders.

52. The entire argument of the defense is based upon fundamental misconceptions and upon two complete distortions of what is charged in this case:

A. It is apparent that the IMT, including as it did continental jurists, chose to regard the scope of "conspiracy" as charged in the IMT indictment as far narrower than the scope of actual participation in the planning, preparing, initiating, and waging of aggressive wars. That is why many more of the IMT defendants were acquitted under Count One than Count Two, and why many more were convicted under Count Two than under Count One. But the defendants in this case, throughout their argument, assume that their guilt is to be determined in the same way as guilt under the conspiracy charge in Count One of the IMT indictment; and deliberately ignore both the fact that Count One in the indictment in this case does not charge "conspiracy" but rather actual participation in the planning, preparing, initiating, and waging of invasions and aggressive wars, and the fact that the "conspiracy" as charged in the IMT indictment was a special sort of conspiracy.

B. The defendants suggest that, because certain well-known Nazis were acquitted under Count One (and four only under Count Two) of the IMT indictment, the defendants in this case, whose names are admittedly not as notorious, cannot possibly be guilty. But it is obvious that mere notoriety is not the test of guilt in the commission of crimes against peace. The only valid test is whether the evidence establishes knowledge and participation in the manner heretofore described. True it is that Julius Streicher achieved far more notoriety as a Jew baiter in Nurnberg than did Karl Krauch as one of the key planners of the war in Berlin, but it by no means follows from Streicher's acquittal on Count One of the IMT indictment that Krauch should be acquitted under Count I or Count V of the indictment in this case. If notoriety were important the prosecution could point to the fact that the activities of Farben in preparing Germany for war are world famous. But it is the nature and significance of these activities and not the notoriety which is important here. No defendant acquitted in the IMT case was shown to have been engaged in activities as indispensable to aggression as the activities in which these defendants were engaged over a long period of time. And no such defendant knew better the importance and significance of his participation than did these defendants.

53. The defense asks this Tribunal to say that although there is participation in a general plan to prepare a country for aggressive action against neighboring countries, and that although preparation extends over a period of years in furnishing the force needed to carry out the aggressive policy, nevertheless there can be no responsibility on the persons who participated in such preparation unless they had special knowledge of certain details, including specific knowledge of the individual victims against whom that force was to be unleashed during any specific period of time. Such a construction is plainly contrary to the terms of the Control Council Law No. 10 and would render meaningless the various forms of participation which are set forth in paragraph 2 of Article II of Control Council Law as constituting activities for which criminal responsibility attaches.

54. If the construction urged by the defense is correct, namely that only the small select group who had special knowledge of the individual planned aggressions against identified countries are criminally responsible, then the attempt of the international community to prevent planning and preparation and the initiation of wars of aggression and invasions has failed. Such a construction would be more tragic than a mere confession of the failure of law as a means to prevent aggressive war. It would amount to legal sanction for a course of conduct involving planning and preparation to wage wars of aggression and would indicate to future participants just how to be immune from justice. It would indicate to the next aggressor just how to proceed with its planning and preparation in order to avoid personal responsibility of the individuals engaged in that enterprise and would necessarily result in having the planning so arranged that only one or two persons would be answerable for the supreme international crime. If such a construction were adopted, then the international community is worse off today than it was prior to the judgment of the IMT and it would have to confess that these problems cannot be handled by law but must be dealt with by executive action at the end of each succeeding war.

55. This aggressive war did happen and was started by Germany after extensive plans and preparation. According to the defense, there is no built for this crime except the handful of persons that were convicted by the IMT. We need not for present purposes go into the question of the extent of responsibility in the moral sense. In the criminal sense set forth in Control Council Law, there is the legislative intention on the part of the occupying powers to hold personally responsible those individuals who substantially participated in the planning and preparation of this crime and the difference between substantial participation with the required state of mind and just being a member of the German state (the farmer, the worker, the soldier, the butcher, the baker and the candlestick maker) who helped in such preparation is the difference in degree which is applied in every judicial proceeding. Those defendants who participated so substantially in the preparation and planning indicated by the evidence cannot be heard to say that they should be freed lest the individual soldier who went to battle, the individual farmer who increased his crop to support the armed forces, and the worker who put in overtime to produce the material for war, be held guilty. These defendants are not on the same level as the persons just referred to, either from the standpoint of the extent of their participation or from the standpoint of what they knew, and the Control Council Law plainly intends to reach persons on the level of these defendants because of the substantial difference in the degree of their participation and knowledge of what they were doing. In charging personal guilt under the Control Council, the very fact that such a judgment is to be made by the judiciary after a trial is the assurance that there will be an individual evaluation as to

degrees of participation and knowledge so that mass punishment would not ensue. If mass punishment were ever intended by the Allied power occupying Germany, there would have been no need to establish these elaborate military tribunals and to give these defendants a fair and impartial trial. Mass punishment is not the purpose or intention of the Allied powers nor is it the intention of Control Council Law #10. It is the feeble excuse raised by the defendants to exculpate themselves from responsibility for their world wide known participation in the preparation and waging of the invasions and aggressive wars charged.

56. In support of their position the defense refer to the "highly significant decision of the Supreme Court of the United States in the MacIntosh Case". What was involved in that case was a question of statutory construction, the United States Naturalization laws — whether Congress did in fact require as a condition to the granting of citizenship to an alien a pledge that he would bear arms in defense of his country. In any event, the MacIntosh case was specifically overruled by the United States Supreme Court in 1946 in the case of Girouard v. United States (October Term, 1945, No. 572, Argued March 4, 1946 — Decided April 22, 1946). In concluding that "the Schwimmer, MacIntosh and Bland cases do not state the correct rule of law" the Supreme Court stated in part:

"The struggle for religious liberty has through the centuries been an effort to accommodate the demands of the State to the conscience of the individual. The victory for freedom of thought recorded in our Bill of Rights recognizes that in the domain of conscience there is a moral power higher than the State. Throughout the ages men have suffered death rather than subordinate their allegiance to God to the authority of the State. Freedom of religion guaranteed by the First Amendment is the

product of that struggle. As we recently stated in United States v. Ballard, 328 U.S. 78, 86, 'Freedom of thought, which includes freedom of religious belief, is basic in a society of free men. Board of Education v. Barretto, 319 U.S. 621'. The test oath is abhorrent to our tradition. Over the years Congress has meticulously respected that tradition and even in time of war has sought to accommodate the military requirements to the religious scruples of the individual. We do not believe that Congress intended to reverse that policy when it came to draft the naturalization oath. Such an abrupt and radical departure from our traditions should not be implied."

57. In requesting that the Tribunal deny the motion of the defense in total, the prosecution wishes to emphasize that it believes this can be done solely on the basis that such motion is contrary to the decision of the International Military Tribunal and if granted would render that decision meaningless. However, the defense assertions concerning the provisions of Control Council Law No. 10 raise a serious challenge to the jurisdiction of this Tribunal and are otherwise important for many reasons apart from the basic issues raised by the defense motion. Hence, we have answered them here.

PART IIANSWER TO THE MOTION FOR FINDING OF NOT GUILTY ON CHARGES IN
COUNT II RELATING TO AUSTRIA AND CZECHOSLOVAKIASPOILIATION

1. The defense argue that the evidence relating to the activities charged as plunder and spoliation in Austria and Czechoslovakia is irrelevant. The defense argue that these activities did not constitute war crimes for the following reasons:

"It is the position of the Defense therefore that prima facie from a legal point of view an act of spoliation in a country can be charged only if this country was engaged in open warfare with Germany because only in such case the rules of warfare as laid down especially in Article 46, para 2, Article 53, and Article 56 of the Hague Convention, on which the prosecution base their charge, can be considered having been violated."

2. It would seem a sufficient answer to point out again that the IMT stated concerning Bohemia and Moravia, which were never "engaged in open warfare with Germany":

"The occupation of Bohemia and Moravia must therefore be considered a military occupation covered by the rules of warfare. Although Czechoslovakia was not a party to the Hague Convention of 1907, the rules of land warfare expressed in this Convention are declaratory of existing international law and hence are applicable." (p. 334).

Since the IMT considered the occupation of Bohemia and Moravia "a military occupation covered by the rules of warfare", and since Bohemia and Moravia were never "engaged in open warfare with Germany", the contention of the defense that open warfare is a prerequisite of spoliation is clearly contrary to the IMT decision. It would be a mockery, indeed, if the protection of international law with respect to acts involving property extended only to those nations who were strong enough to resist aggression and if no punitive measures could be expected if the aggressors conquered without resistance. In giving its reasons "as to the guilt or innocence" of the defendant Seyss-Inquart, the IMT stated:

"As Reich Governor of Austria, Seyss-Inquart instituted a program of confiscating Jewish property" (p. 328).

(NOTE:

For a further discussion of this point, see paragraph 7, Part II, Plunder and Spoliation, of the Preliminary Memorandum Brief of the prosecution.)

Crimes Against Humanity:

3. The motion also raises the question whether crimes against humanity, as a legal proposition, can be perpetrated against legal entities, e.g., stock corporations. The formal legalistic argument does not withstand analysis. If a group of persons, on political, racial, or religious grounds, is deprived of their property, it cannot make any difference whether such property was held by them individually or through the medium of a legal entity; whether they owned and controlled it directly or indirectly, whether in their own name or by their participation in stock corporations. Farben had no doubts of this kind when, for reducing the "purchase price", it advanced the argument that, lacking such "sale" to Farben, the enterprise involved - a legal entity, namely a stock corporation! - would have difficulties as a "Jewish" enterprise. At that time, Farben manifestly proceeded on the assumption that it is not the legal form that counts but the men of flesh and blood who are the real parties in interest. (Exh. 1089, NI-8588, Bk 53, p 71).

4. Since the prosecution also alleges that spoliation constitutes crimes against humanity, we consider again the defense contention that "Spoliation... can be charged only if this country was engaged in open warfare with Germany." This again is a challenge to the IMT. In the case of the defendant von Schirach, the IMT indictment charged only that his conduct in Austria constituted crimes against humanity. The IMT found that the occupation of Austria was a "crime within the jurisdiction of

the Tribunal" and found that Schirach's acts in occupied Austria constituted crimes against humanity as charged in the IMT indictment (pp. 318-319).

5. In view of the judgment rendered by Tribunal IV in Case 5, the United States of America versus Friedrich Flick et al, certain observations may be appropriate here concerning crimes against humanity committed before 1 September 1939, even though such a question was not raised by the defense motion.

The London Charter, in the definition of crimes against humanity, uses the words:

"in execution of or in connection with any crime within the jurisdiction of the Tribunal".

The IMT decision is sometimes cited as holding that this language meant that no crime against humanity committed before 1 September 1939 came within the jurisdiction of the Tribunal. In fact, the IMT did not so hold. In discussing the general purport of this language, the IMT states as follows (p. 254):

"To constitute Crimes against Humanity, the acts relied on before the outbreak of war must have been in execution of, or in connection with, any crime within the jurisdiction of the Tribunal. The Tribunal is of the opinion that revolting and horrible as many of these crimes were, it has not been satisfactorily proved that they were done in execution of, or in connection with, any such crime. The Tribunal therefore cannot make a general declaration that the acts before 1939 were Crimes against Humanity within the meaning of the Charter, but from the beginning of the war in 1939 War Crimes were committed on a vast scale, which were also Crimes against Humanity; and insofar as the inhumane acts charged in the Indictment, and committed after the beginning of the war, did not constitute War Crimes, they were all committed in execution of, or in connection with, the aggressive war, and therefore constituted Crimes against Humanity. (Emphasis ours).

Thus the IMT specifically indicated that acts before the "outbreak of war" might be within the jurisdiction of the Tribunal if it could be shown that they were in execution of or in connection with a crime within the jurisdiction of the Tribunal; but stated that it could not make a general declaration that acts before 1939 were

crimes against humanity within the meaning of the Charter. However, insofar as crimes against humanity committed in Austria during the occupation of Austria are concerned the IMT specifically stated the following in connection with the conviction of von Schirach (pp. 318, 319):

"Von Schirach is not charged with the commission of War Crimes in Vienna, only with the commission of Crimes against Humanity. As has already been seen, Austria was occupied pursuant to a common plan of aggression. Its occupation is, therefore, a 'crime within the jurisdiction of the Tribunal', as that term is used in Article 6 (c) of the Charter. As a result, 'murder, extermination, enslavement, deportation, and other inhumane acts' and 'persecutions on political, racial, or religious grounds' in connection with this occupation constitute a Crime against Humanity under that Article."

Although Von Schirach's activities in Austria occurred after 1 September 1939, the reasoning of the IMT as to crimes against humanity committed during the occupation of Austria is equally applicable to the period of occupation of Austria before as after such date. Accordingly, even under the interpretation of the Charter by the IMT, crimes against humanity committed in Austria and Czechoslovakia during the occupation of Austria and Czechoslovakia fall within the jurisdiction of the Tribunal.

6. Furthermore, as we have pointed out, Control Council Law #10 is substantive legislation enacted by the Four Occupying Powers in Germany whose legislative power is not limited by the London agreement or the Charter. As we have shown more fully in paragraphs 36-44 supra: The Charter does not purport to define such crimes for any other purpose and certainly does not purport to even suggest that the jurisdiction of Tribunals other than the IMT are to be limited by such definitions. The Four Powers were, therefore, within their jurisdiction when defining, in Control Council Law #10, crimes against humanity in such way as to omit the restriction:

"in execution of, or in connection with, any crimes within the jurisdiction of the Tribunal"

and the words are not to be read into Control Council Law #10.
This construction is born out by Court No. III in the United States
of America against Josef Alstoedter et al, transcript page 10634
where the Court held:

"the evidence to be later reviewed establishes that certain inhumane acts charged in Count 3 of the indictment were committed in execution of, and in connection with, aggressive war and were, therefore, crimes against humanity even under the provisions of the IMT Charter, but it must be noted that C.C. Law #10 differs materially from the Charter. The latter defines crimes against humanity as inhumane acts, etc., committed '* * * in execution of, or in connection with, any crime within the jurisdiction of the tribunal* * *', whereas in C.C. Law #10 the words last quoted are deliberately omitted from the definition." (Underlining ours.)

But even if we had to read such words into Control Council Law #10, the result would be the same so far as crimes against humanity committed during the occupation of Austria and Czechoslovakia are concerned. This is even clearer under the provisions of Control Council Law #10 than under the provisions of the London Charter. Crimes "within the jurisdiction of the Tribunal" are the crimes, as defined in Control Council Law #10. Conducting invasions under said law is a crime against peace as is the initiation or waging a war of aggression. That the crimes committed by the defendants in Austria and Czechoslovakia were perpetrated

"in execution of, or in connection with"

the crime of the invasions of Austria and Czechoslovakia appears clearly from the evidence submitted. Thus, even assuming that crimes against humanity under Control Council Law #10 must be connected with any crimes within the jurisdiction of this Tribunal, such prerequisite, if any, is definitely complied with.

7. It should also be borne in mind in considering the activities of these defendants in Austria and Czechoslovakia that as pointed out by the IMT (p. 192):

"The invasion of Austria was a premeditated aggressive step in furthering the plan to wage aggressive wars against other countries."

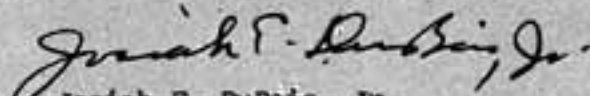
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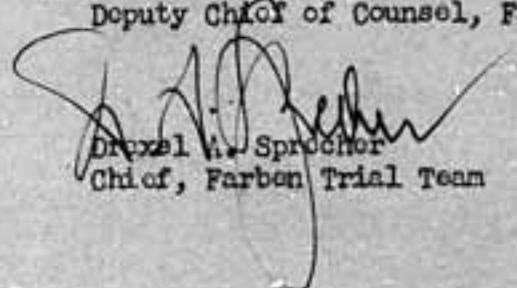
Whatever might have been the decision of the IMT if the indictment had charged the seizure of Austria as an aggressive war, it is at least clear that the IMT regarded the seizure of Austria as the beginning of aggression. As we have already pointed out in this answer, Control Council Law #10 makes even clearer than did the London Charter that the invasions of Austria and Czechoslovakia were to be treated like the invasions of Poland, France, and other countries. The fact that Austria succumbed without a shot being fired is quite immaterial. In the words of the IMT (p.194):

"The ultimate factor was the armed might of Germany ready to be used if any resistance was encountered."

There is no reason either because of the wording of Control Council Law #10 or because of the purpose of that law for treating plunder in Austria and plunder in Czechoslovakia any differently than plunder in Poland and plunder in France.

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Drexel A. Sprecher
Chief, Farben Trial Team

Nurnberg, 5 January 1948.

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(7)⁵²

MILITÄRGERICHTSHOF Nr. VI

FALL Nr. 6

DIE VEREINIGTEN STAATEN VON AMERIKA

- gegen -

CARL KRAUCH u. Gen.

ANTWORT AUF DEN ANTRAG DER VI. VERDICTUNG AUF EINEN FALSPACH
UNTER PUNKT I UND V UND VON DER ANKLAGE I. PUNKT II IN BEZUG AUF
ÖSTERREICH UND DIE TSCHESCHOSLOWAKEI

MILITÄRGERICHTSHOF

Nuernberg, Deutschland

DIE VEREINIGTEN STAATEN VON AMERIKA

gegen

KLAUCH u. Gen. (Fall VI)

BEANTWORTUNG DES ANTRAGS DER VERTEIDIGUNG AUF FREISPRUCH VOM
GEWISSEN ANKLAGEN.

An: Den Generalsekretär, Militärgerichtshof (Zimmer 281).

Auf den Antrag der Verteidigung vom 17. Dezember 1947 auf Freispruch hinsichtlich gewisser Anklagen in der Anklageschrift wird folgende Antwort erteilt: Die Antwort besteht aus zwei Teilen. Der erste Teil befasst sich mit dem Antrag auf Freispruch hinsichtlich des Anklagepunkts I und V. Der zweite Teil befasst sich mit dem : Antrag auf Freispruch hinsichtlich der Anklagen in Punkt II unter der Ueberschrift " Die I.G. in Oesterreich " und " die I.G. in der Tschechoslowakei ".

TEIL I.

ANTWORT AUF DEN ANTRAG AUF FREISPRUCH UNTER PUNKT I UND V.

1. Der Antrag der Verteidigung auf Freispruch hinsichtlich der Punkte I und V stuetzt sich darauf, dass die auf Verbrechen gegen den Frieden bezueglichen Bestimmungen des Kontrollratsgesetzes Nr. 10 auf Personen beschraenkt seien, die " direkt und persoenlich mit gewissen spezifischen geheimen Plaenen Hitlers in Verbindung standen", offenbar nur hoehere militaerische und politische Persoenlichkeiten umfassend, die bei gewissen, bestimmten von Hitler abgehaltenen geheimen Tagungen anwesend waren.

3. Die Stellungnahme der Verteidigung laeuft den Grundbegriffen und Bestimmungen des Kontrollratsgesetzes Nr. 10 zuwider, die fuer die Rechtsprechung dieses Gerichtshofes und das von ihm anzuwendende Gesetz massgebend sind.

1. Die Stellungnahme der Verteidigung steht im Gegensatz zur Entscheidung des IMG.

3. Der Antrag der Verteidigung enthaelt eine gewisse Andeutung, dass die Bestimmungen des Kontrollratsgesetzes Nr. 10 bezueglich Verbrechen gegen den Frieden nur fuer "hohe Persoenlichkeiten in der Regierung und der Wehrmacht" gelten sollten. Bezueglich des Artikels II des Kontrollratsgesetzes Nr. 10 behauptet die Verteidigung:

"Der IMG beschraenkt die Verantwortlichkeit fuer Verbrechen gegen den Frieden auf einen kleinen Kreis von Hitler's vertrautesten Ratgebern in der Regierung und Wehrmacht."

4. Der IMG stellte keine solche Beschraenkung auf. Im Gegenteil der IMG stellte ausdruocklich fest:

"Hitler konnte nicht allein einen Angriffskrieg fuehren. Er musste die Unterstuetzung von Staatsmaennern, Militaerbefehlshabern, Diplomaten und Personen aus der Wirtschaft geniessen. Wenn diese in Kenntnis seiner Ziele ihm ihre Unterstuetzung erteilten, machten sie sich zu Teilnehmern an dem von ihm ins Werk gesetzten Plan."

5. Justice Jacksons Bericht an Praesident Truman vom 7. Juni 1945, der zu einem der Grundpfeiler beim Entwurf der Londoner Vereinbarung vom 8. August 1945 wurde, hatte die Stellung der Vereinigten Staaten in dieser Hinsicht klargestellt. Es wird auch erinnerlich sein, dass Gustav Krupp in dem IMG-Prozess angeklagt war. Als es den Anschein hatte, dass Krupp koerperlich und geistig nicht in der Lage war, den Sitzungen beizuwohnen, schlug Justice Jackson, der die Londoner Vereinbarung fuer die Vereinigten Staaten unterzeichnet hatte und Hauptanklagevortreter fuer die Vereinigten Staaten vor dem IMG war, vor, dass in absentia gegen ihn verhandelt wurde.

Er fuehrte aus:

"Seit ueber 130 Jahren bildet diese Familie den Brennpunkt, ist Symbol und Nutzniesser der unheilvollen Kraefte, die den Frieden Europas bedrohten....Krupp von Bohlen aus dem Verfahren ausschneiden zu lassen, ohne dass Alfred an seine Stelle treten bedoutet, die ganze Familie Krupp aus dem Gerichtsverfahren ausschalten und dadurch waere jedes wirksame Urteil gegen die deutschen Ruestungsindustriellen sunichte gemacht Die Vereinigten Staaten

logen ergebenst dar, dass dem zukunfftigen Weltfrieden kein schlechterer Dienst erwiesen werden koennte, als die ganze Familie Krupp und die Kriegsausruestungsindustrie in diesem Prozess, in dem das Fuehren von Angriffskriegen verurteilt werden soll, auszulassen." (Antwort der Vereinigten Staaten auf den Antrag fuer den Angeklagten Krupp wegen Vertagung seines Prozesses. Prozess gegen die Hauptkriegsverbrecher, Seite 146 - 148, Band I).

Justice Jackson stellte auch in seiner Antwort auf den Antrag Krupps fest:

" Es ist stets die Auffassung der Vereinigten Staaten gewesen, dass die Grossindustriellen Deutschlands im gleichen Masse wie seine Politiker, Diplomaten und Soldaten der in dieser Anklageschrift enthaltenen Verbrechen schuldig seien. Der amerikanische Hauptanklaeger stellte am 7. Juni 1945 in einem Bericht an President Truman, der mit dessen Zustimmung veröffentlicht wurde, fest, dass die Anklage die Personen, die verantwortungsvolle Posten im Finanz-Industrie- und Wirtschaftsleben Deutschlands eingenommen hatten, ebenso einschliesse, wie andere, (Seite 150).

6. Es steht also ueber jeden Zweifel erhaben fest, dass das Londoner Statut und die Entscheidung des IMG die Bestrafung von Personen im finanziellen, industriellen und wirtschaftlichen Leben Deutschlands fuer Verbrechen gegen den Frieden einbezog.

7. Die Verteidigung bringt auch das Argument vor, dass die in dem vorlaufigen Memorandum und Schriftsatz entwickelte Theorie der Anklagebehoerde nicht im Einklang mit dem Urteil des IMG steht, weil dieses Urteil angeblich die Verantwortung auf jene beschraenkte, die " direkt undpersoenlich mit gewissen bestimmten geheimen Plaenen Hitlers in Verbindung standen ". Dies wurde offenbar gemasses der Verteidigung nur die einbegriffen, die gewissen, bestimmten geheimen von Hitler abgehaltenen Konferenzen beiwohnten. Die Verteidigung weist auf die Entscheidung des IMG hinsichtlich des Reichskabinetts und der folgenden Personen hin: Schacht, von Papen, Speer, Sauckel, Kaltenbrunner, Frank, Streicher, von Schirach, Bormann, Fritzsche, Frick, Funk, Doenitz, Seyss-Inquart.

Die Verteidigung zitiert auch gewisse Teile des Urteils des IMG hinsichtlich Verbrechen gegen den Frieden und des Freispruchs obiger Personen von gewissen Anklagen. Die Anklagebehoerde nimmt den Standpunkt ein, dass die Verteidigung die Entscheidung des IMG voellig falsch auslegt. Wenn man den Standpunkt der Verteidigung gelten liesse, wuerde dies der Entscheidung jeglicher Bedeutung berauben.

8. Beyer wir jene Teile des Urteils des IMG analysieren, die

der Verteidigung zufolge angeblich dem Standpunkt der Anklagebehörde zuwiderlaufen, wird es von Vorteil sein, aus den Akten gewisse unbestreitbare Tatsachen in Bezug auf dieses Urteil aufzuzeigen, von denen manche in dem Antrag der Verteidigung nicht klar zum Ausdruck kommen:

(a) Das Urteil des IMG stuetzt sich (1) auf die Bestimmungen des Statuts, das die Zustaendigkeit des IMG begruendete und das die von jenem Gerichtshof abzuurteilenden Verbrechen definierte, (2) auf die Anklageschrift, die gemaess den Bestimmungen des Statuts vorgelegt wurde, (3) auf das Beweismaterial, das damals vorhanden war und von der Anklagebehörde zur Stuetzung der Anklage vorgelegt wurde, und auf den von der Verteidigung vorgelegten Gegenbeweis. (Man muss sich vor Augen halten, dass zwischen dem Zusammenbruch Deutschlands und der Einreichung der Anklageschrift vor dem IMG nur 6 Monate vergingen und dass seitdem eine Menge zusaetzliches, belastendes Beweismaterial entdeckt wurde.

(b) Punkt I der Anklageschrift vor dem IMG erhob unter der Ueberschrift "Gemeinsamer Plan oder Verschwörung" die Beschuldigung eines gemeinsamen Plans oder einer Verschwörung, Verbrechen gegen den Frieden, Kriegsverbrechen und Verbrechen gegen die Menschlichkeit im Sinne des Statuts zu begehen. Die Ausdrucksweise des Punkt I, wie auch die Tatsache, dass darin die Beschuldigung einer Verschwörung erhoben wurde, ist von Bedeutung. Das Urteil des IMG stuetzte sich naemlich auf die zur Last gelegte Verschwörung, nicht auf irgendeine Verschwörung, Verbrechen gegen den Frieden zu begehen. Wie der IMG feststellte (Seite 224 und 225), "erstreckte sich" die in der Anklageschrift zur Last gelegte Verschwörung "auf 25 Jahre"; die Partei wurde als "Bindeglied zwischen den Angeklagten" betrachtet, und es wurde dem Sinne nach behauptet, "dass jede bedeutsame Beteiligung an einer Verschwörung an und fuer sich verbrecherisch ist." Keine vergleichbaren Anschuldigungen sind im Punkt V der Anklageschrift im Fall 6 enthalten. Punkt II legt unter der Ueberschrift "Verbrechen gegen den Frieden" Teilnahme an der Planung, Vorbereitung, dem Beginn und der Fuehrung von Angriffskriegen zur Last.

(c) Alle 22 Angeklagten in dem IMG-Fall waren unter Punkt I angeklagt. 16 waren unter Punkt II angeklagt. 8 Angeklagte wurden unter Punkt I verurteilt und 14 wurden freigesprochen. 12 Angeklagte wurden unter Punkt II angeklagt und 4 wurden freigesprochen.

Es folgt eine Klassifizierung der Angeklagten in dem IMG-Fall auf der Grundlage von Anschuldigung, Verurteilung und Freispruch unter Punkt I ("Gemeinsamer Plan oder Verschwörung") und Punkt II ("Verbrechen gegen den Frieden").

(1) Verurteilt unter Punkt I und Punkt II

Goering	Rosenberg
Hess	Raeder
Ribbentrop	Jodl
Keitel	von Neurath

(2) Freigesprochen unter Punkt I und Punkt II

Schacht	Speer
von Papen	Sauckel

(3) Freigesprochen unter Punkt I, nicht angeklagt unter Punkt II

Kaltenbrunner	von Schirach
Frank	Fritzsche
Streicher	Bormann

(4) Freigesprochen unter Punkt I, verurteilt unter Punkt II

Frick	Seyss-Inquart
Doenitz	Funk

9. Bei der Analyse der Entscheidung des IMG sollten wir uns auch vor Augenhalten, dass fuer Verbrechen gegen den Frieden sowohl ein aeusserer wie auch ein innerer Tatbestand erforderlich ist, (siehe vorlaeufige Denkschrift und Schriftsatz der Anklagebehoerde Teil I Seite 9). Bei der Besprechung des aeusseren Tatbestandes stellten wir fest, dass jeder, der eine betraechtliche Verantwortung fuer die Vornahme von Handlungen traegt, die von einer entscheidenden Bedeutung fuer die Foerderung der Militaermacht eines Landes sind, an dem Verbrechen teilnimmt. Was den inneren Tatbestand anbetrifft, besteht er in der Kenntnis, dass eine solche militaerische Macht zum Zweck der Durchfuehrung einer nationalen Ausdehnungspolitik verwendet wird oder verwendet worden wird, um die Bevoolkerung anderer Laender ihres Landes, ihres Eigentums oder ihrer persoenlichen Freiheit zu berauben.

Die Anklagebehoerde nimmt den Standpunkt ein, dass es im Zusammenhang mit der Beschuldigung der Vorbereitung und Planung und der Beschuldigung der Verschwörung genuegt, wenn der Glaube herrscht, dass, obwohl notfalls tatsaechliche Gewalt angewendet wird, ein solcher Zweck durch die Verwendung der militaerischen Macht als blosser Drohung erreicht werden wird, und, dass es nicht wesentlich ist, dass die Angeklagten genau wissen, welches Land das erste Opfer sein wird, oder die genaue Zeit, in der ein Angriff auf die Eigentumsrechte und die persoenliche Freiheit der Bevoolkerung irgendeines Landes versucht werden wird.

10. Eine besondere Frage, die hier nicht oertert werden muss, ist, welche Art von Beweismaterial und wieviel davon noetig ist, um ueber einen vernuenftigen Zweifel hinaus darzutun, dass ein bestimmter Angeklagter zu einer bestimmten Zeit wusste, dass Deutschlands militaerische Macht zum Zweck der Durchfuehrung einer nationalen Politik der Ausdehnung verwendet worden wurde, um die Bevoolkerung anderer Laender ihres Landes, ihres Eigentums und ihrer persoenlichen Freiheit zu berauben.* Es genuegt hier, festzustellen, dass die Anklagebehoerde nicht behauptet, dass die weite Verbreitung, die dem Programm und den Zielen der Hitlerbewegung waehrend einer Reihe von Jahren gegeben wurde, an und fuer sich genuegt, um ueber einen vernuenftigen Zweifel hinaus

* Der Antrag der Verteidigung behauptet nicht, dass das Beweismaterial des Vorliegens des von der Anklagebehoerde als wesentlich behaupteten inneren Tatbestandes nicht dazutut.

nachzuweisen, dass der Durchschnittsmensch in Deutschland die erforderliche Kenntnis besass. Und das Beweismaterial muss mehr dartun als die Kenntnis von dem Angriffsprogramm und den Zielen der Nazi-Regierung und den Glauben, dass eine Moeglichkeit bestehe, dass zur Durchfuehrung der Ausdehnungspolitik Gewalt angewendet werden wuerde. Es muss aus ihm uober einen vernuenftigen Zweifel hinaus hervorgehen, dass die Angeklagten glauben, dass, wenn noetig, tatsaechlich Gewalt angewendet werden wuerde, um eine solche Politik durchzufuehren.

11. Im Teil I des Schriftsatzes der Anklagebehoerde ist das Beweis-^{stuetzt} material aufgefuehrt, auf das sich die Anklagebehoerde im Fall 6 um Kennt-
nis nachzuweisen (ausser dem, was allgemein bekannt war). Waehrend die Anklagebehoerde behauptet, dass die Angeklagten im Fall 6 betraechtlich mehr Information hatten und ihnen mehr Informationsquellen zur Verfuegung standen als dem Durchschnittsmenschen in Deutschland, braucht die Anklagebehoerde nicht zu behaupten, dass die Angeklagten im Fall 6 mehr Information und mehr Informationsquellen ueber Deutschlands Angriffsziele hatten als die Angeklagten im IMG-Prozess einschliesslich einiger derer, die unter Punkt I bzw. Punkt II freigesprochen wurden. Es ist z.B. nicht noetig hier zu eroertern, ob Krauch, Schmitz, von Schnitzler und andere Mitglieder des Vorstands mehr ueber Deutschlands Angriffsziele wussten als Schacht, der seinen Einfluss 1936 einbuesste; von Papen, der bei Hitler nie besonders beliebt war und der 1934 aus dem Reichskabinett ausschied; oder Speer und Sauckel, die erst lange nach dem Beginn aller Kriege einflussreiche Stellungen inne hatten. Und wir brauchen nicht zu erwagen, ob die Tatsache, dass ein bestimmter Angeklagter im IMG-Prozess "in der Regierung" eine Stellung waehrend der ganzen kritischen Zeit bekleidete, notwendigerweise bedeutete, dass er von Hitlers Angriffskriegen soviel wusste oder soviel verstand wie manche fuehrende Persoenlichkeiten "ausserhalb der Regierung" (z.B. hatte Streicher trotz seiner weitverbreiteten Reputation als "Judenhetzer Nr. 1" keine engere Verbindung mit der Politik und den Plaenen der Naziregierung als Huey Long mit der Politik und den Plaenen der Regierung der Vereinigten Staaten in Washington). Ob

die Angeklagten in Fall 6 mehr ueber Hitlers Kriegsziele wussten als einige der vom IMG freigesprochenen Angeklagten, ist hier nicht entscheidend; denn bei der Untersuchung derjenigen Teile der Urteilsbegrueundung des IMG, die sich auf die unter Punkt I bzw. unter Punkt II freigesprochenen Angeklagten bezieht, muss nachdruecklich darauf hingewiesen werden, dass die Entscheidung sich mit beiden Tatbestandsmerkmalen des Verbrechens gegen den Frieden befasste, naemlich dem aeusseren und dem inneren Tatbestand. Man wird finden, dass im allgemeinen die Gruende fuer die Freisprueche im Urteil des IMG nicht auf einen angeblichen Mangel des erforderlichen inneren Tatbestands begrueudet waren sondern vielmehr auf den Mangel einer hinreichenden Teilnahmehandlung seitens der freigesprochenen Angeklagten, um den erforderlichen aeusseren Tatbestand zu erfuehlen.

12. Man muss auch daran denken, dass die Anklageschrift im Fall 6 Teilnahme an der Durchfuehrung von Angriffskriegen und von Einfaellen zur Last legt; und dass die Taetigkeit der Angeklagten in Verbindung mit Ausraubung sowohl als mit Zwangsarbeit als untrennbarer Bestandteil der Vorbereitung und Durchfuehrung von Angriffskriegen und von Einfaellen zur Last gelegt worden ist (Siehe Schriftsatz Teil I, Seite 74-75, Teil II, Seite 1, Teil III Seite 3-5). Die Anklageschrift vor dem IMG schloss die Anschuldigung der Durchfuehrung von Angriffskriegen in Punkt II ein (Seite 42). In zwei Faellen, wo der IMG sich nicht davon ueberzeugt hatte, dass einzelne Angeklagte genuegend an der fruehen Planung und Vorbereitung von Angriffskriegen teilgenommen hatten, kam der IMG zum Schluss, dass die erforderlichen Tatbestandsmerkmale des Verbrechens der Fuehrung von Angriffskriegen durch den vorgelegten Beweis bewiesen worden seien. Dies trifft besonders auf den Fall des Angeklagten Doenitz zu (Seite 310). In seinen Feststellungen in Bezug auf Frick unterstrich der IMG auch besonders die Teilnahme dieses Angeklagten an Handlungen, die die Fuehrung von Angriffskriegen darstellten. In den Faellen, wo die Angeklagten unter Punkt II der Anklageschrift vor dem IMG fuer schuldig befunden wurden, fuehrte der IMG Teilnahmehandlungen bei der Fuehrung von Angriffskriegen und auf deren Unterstuetzung gerichtetes Verhalten^{an}. In Bezug auf die Anschuldigung der Fuehrung eines Angriffskrieges dreht sich das hauptsaechliche Kennzeichen des Verbrechens um den Umfang

und den Charakter der Teilnahmehandlung; denn es ist schwer einzusehen, wie ein intelligenter Mensch vernunftigerweise behaupten kann, dass er nicht gewusst haette, dass, einmal begonnen, Deutschlands Einfaele und Kriege aggressiven Charakter haetten, so sehr er auch geltend machen mag, er habe sie fuer gerechtfertigt gehalten. In der Praxis ist es oft schwer, scharf zwischen der Durchfuehrung der fruheren Einfaele und Angriffskriege und der Vorbereitung von nachfolgenden Angriffskriegen zu unterscheiden. Dies trifft besonders zu, da kein intelligenter Mensch nach der Durchfuehrung der ersten Einfaele und Angriffskriege irgendwelche Illusionen hinsichtlich Hitlers Angriffspolitik haben konnte, und da eine wesentliche Teilnahme an der Durchfuehrung der fruheren Einfaele und Angriffskriege eindeutig ein Teil der Vorbereitung fuer jene Angriffshandlungen war, die Hitler und seine militaerischen Strategen ins Werk setzen wuerden, wenn ihnen die Zeit dafuer reif erschien. Der I'G bemerkte, dass "das Statut das Planen oder die Fuehrung eines Angriffskriegs..... zu einem Verbrechen macht" (Seite 219). Der vom Gerichtshof hervorgehobene Unterschied findet sich natuerlich ebenso im Kontrollratsgesetz Nr. 10.

Allgemeine Bemerkungen ueber "Planende Konferenzen"

13. Bevor wir die Teile des I'G Urteils, auf die sich die Verteidigung bezieht, nacheinander analysieren, duerfte es vorteilhaft sein, gewisse allgemeine Bemerkungen in Bezug darauf zu machen, was die Verteidigung als "die geheimen Konferenzen" beschreibt "die nach dem I'G fuer das Wissen einiger weniger vertrauter Berater ueber Hitlers Angriffsplaene entscheidend waren." Die Verteidigung stuetzt sich im weitesten Umfang auf ^{die} vier geheimen Konferenzen, auf die der I'G besonders Bezug nahm "wegen des Lichts, das sie auf die Frage des gemeinsamen Plans und des Angriffskrieges werfen" (I'G-Urteil Seite 188). Offenbar koennen der Verteidigung zufolge Personen, die nicht an den Konferenzen teilnahmen, nicht auf eine Anklage der

Teilnahme an der Planung, Vorbereitung und dem Beginn von Einfall und Angriffskriegen verurteilt worden. Die Verteidigung verkennt nicht nur die Bedeutung, die der IMG diesen Tagungen beiniest (siehe Erörterungen unten), sondern hat es auch versäumt, die Anwesenheitsliste bei diesen Tagungen zu studieren. So wohnten von den acht unter Punkt I verurteilten Personen, zwei, nämlich die Angeklagten Hess und Rosenberg bei diesen Tagungen nicht bei. Was die Verurteilungen unter Punkt II anbetrifft, so wohnten von den unter Punkt II verurteilten Personen sechs solchen Tagungen bei und sechs nicht. So wohnten also Hess, Rosenberg, Frick, Doornitz, Seyss-Inquart und Funk diesen Planungskonferenzen nicht bei. In der Tat wohnten alle vier Angeklagten, die unter Punkt II verurteilt, aber unter Punkt I freigesprochen wurden, solchen Tagungen nicht bei. Auf der Grundlage dieser Tatsachen allein, kann höchstens gesagt werden, dass der IMG die Anwesenheit in solchen Konferenzen bei der Entscheidung uober die Schuld eines Angeklagten hinsichtlich des besondern gemeinsamen Plans und der Verschwörung, die in der Anklageschrift vor dem IMG zur Last gelegt werden, als eine ins Gewicht fallende Tatsache ansah. Wir haben schon gesehen, dass der gemeinsame Plan und die Verschwörung, wie sie in der Anklageschrift vor dem IMG definiert sind, die NSDAP zum Kernpunkt hatten und alle Anschuldigungen in Verbindung mit dem gemeinsamen Plan und der Verschwörung wie sie dort zur Last gelegt wurden, drehten sich um Hitlers Pläne und Programme. Die Feststellung ist deshalb nicht ueberraschend dass die Teilnahme an Hitlers Konferenzen als bedeutungsvoll in Verbindung mit der von Hitlers militärischen und politischen Ratgebern gespielten Rolle angesehen wurde.

Aber schon die Andeutung, dass die Teilnahme an solchen Versammlungen von Bedeutung bezuglich irgendwelcher Personen im finanziellen, industriellen und wirtschaftlichen Leben eines Landes sei, legt die Antwort nahe. Vorbereitung und Föhrung von Angriffskriegen erfordert, wie der Internationale Militärgerichtshof erklärte " die Mitarbeit von Staatsmännern, militärischen Föhrern, Diplomaten und Geschäftsleuten." Die Gruppe von Männern spielten je nach ihren Stellungen und Talenten verschiedene Rollen. Die Industriellen - und Wirtschaftsleute hatten verhältnissmässig wenig oder überhaupt nichts mit der strategischen und taktischen Planung von Feldzügen und diplomatischen Manövern zu tun. Ihr Anteil am Programm bestand in dem Aufbau eines Kriegesapparates, der die Macht darstellte, die zur Ausführung des Programms und schliesslich zur Ausbeutung des wirtschaftlichen und menschlichen Potentials der Bevöölkerung der eroberten Gebiete notwendig war. Es waro tatsächlich sonderbar, wenn wir den Vorstand der I.G. als Teilnehmer bei den . . . hauptsachlichen, strategischen Konferenzen finden wurden, die die Verteidigung so ganz besonders hervorhebt. Hatte Hitler sie dort angetroffen, hatte er sehr wahrscheinlich gefragt: " Was machen Sie denn hier, warum sind Sie nicht an Ihrer Arbeit?"

14. Das Reichskabinett. Die Verteidigung zitiert die folgende Stelle aus der Urteilsabgründung des IMG (Seite 215-216):

" Eine Anzahl der Regierungsmglieder waren zweifellos in die Verschwörung zur Föhrung eines Angriffskrieges verwickelt; jedoch waren sie als Einzelpersonen darin verwickelt, und es besteht kein Beweis dafür, dass die Regierung als Gruppe oder Organisation irgendeinen Anteil an diesen Verbrechen nahm. Man wird sich daran erinnern, dass , als Hitler seine verbrecherischen Angriffszielo bei der Hossbach-Konferenz enthüllte, er diese Erklärung nicht vor der Regierung abgab, dass die Regierung in dieser Sache nicht befragt wurde, sondern im Gegenteil, die Mitteilung einer kleinen Gruppe gegenüber im Geheimen gemacht wurde, auf die sich Hitler bei der Föhrung seines Krieges notwendigerweise stützen musste. In gleicher Weise wurde die Invasion Polens nicht durch einen Regierungsbeschluss gebilligt. Im Gegenteil bekundet der Angeklagte Schacht, er habe die Invasion durch einen an den Oberbefehlshaber der Armee gerichteten Protest aufzuhalten versucht, und zwar mit der Begründung, Hitlers Befehl verletze die Verfassung, weil er nicht von der Regierung genehmigt worden war."

Die Verteidigung unterlässt es jedoch, die unmittelbar vorhergehende Stelle in dem Urteil anzuföhren, die folgendermassen lautet:

" Was den ersten Grund für unsere Entscheidung betrifft, so muss bemerkt werden, dass von jenem Zeitpunkt an, mit dem man eine Verschwörung zur Unternehmung eines Angriffskrieges als beginnend bezeichnen kann, die Reichsregierung keine regierende Körperschaft mehr bildete, sondern lediglich eine Anhäufung von Verwaltungsbeamten war, die der absoluten

Kontrolle Hitlers unterworfen war. Nach 1937 hielt die Reichsregierung nicht eine einzige Sitzung mehr ab, sondern die Gesetze wurden in Namen eines oder mehrerer Mitglieder der Regierung verkundet. Der Geheim-Kabinettsrat ist ueberhaupt nie zusammengetreten. (Unterstreichungen eingefuegt.)

Selbst in jenem Teil, den die Verteidigung anfuehrt, steht, dass der Gerichtshof sagte, dass " kein Beweis dafuer vorhanden ist, dass das Kabinett als Gruppe oder Organisation irgendeinen Anteil an diesen Verbrechen nahm " , mit anderen Worten, es ist augenscheinlich, dass der IMG nicht der Meinung war, dass das Reichskabinett als eine Gruppe eine genuegend grosse Rolle spielte, um den notwendigen Tatbestand einer Teilnahmehandlung zu erfuehlen.

Es ist auch sicherlich nicht ohne Bedeutung, dass der IMG den folgender weiteren Grund fuer seine Entscheidung anfuehrte:

Was den zweiten Grund betrifft, so ist es klar, dass jene Mitglieder der Reichsregierung, die sich eines Verbrechens schuldig gemacht haben, zur Verantwortung gezogen werden sollten; eine Anzahl von ihnen steht jetzt auch vor diesem Gerichtshof. Die Zahl der Mitglieder dieser Gruppe wird auf 48 geschaeft, von denen 8 tot sind und 17 jetzt vor Gericht stehen, so dass im Hoechstfall 23 verbleiben, fuer die die Erklaerung von Bedeutung sein koennte. Alle anderen, die schuldig sind, sollten auch vor Gericht gestellt werden; es waere aber nichts fuer die Beschleunigung oder Erleichterung der Prozesse gewonnen, wenn die Reichsregierung als verbrecherische Organisation erklart wurde. (Unterstreichungen hinzugefuegt)

15. Freispruch Schachts unter Punkt I und II. Hier wiederum/laesst es die Verteidigung alle erheblichen Stellen des IMG-Urteil zu zitieren.

Die Verteidigung fuehrt folgende Stellen an:

" Es ist klar, dass Schacht eine Zentralfigur bei Deutschlands Wiederaufruestungsprogramm darstellte, und die Massnahmen, die er ergriff, besonders in den ersten Tagen des Nazi-Regimes, waren fuer Nazi-Deutschlands schnellen Aufstieg als Militaermacht verantwortlich. Aber die Aufruestung an sich ist nach dem Statut nicht verbrecherisch. Wenn sie ein Verbrechen gegen den Frieden laut Artikel 6 des Statuts darstellen sollte, so muessste gezeigt werden, dass Schacht diese Aufruestung als einen Teil des Nazi-Plans zur Fuehrung von Angriffskriege durchfuehrte. Es ist klar geworden, dass er nicht zu den inneren Kreis um Hitler gehoerte, der am engsten an diesen gemeinsamen Plan beteiligt war." (Seite 348/349)

Die folgenden Stellen aus dem Urteil wurden von der Verteidigung nicht angefuehrt:

In April 1936 begann Schacht, seinen Einfluss als Zentralfigur bei den deutschen Aufruestungsanstrengungen zu verlieren, nachdem Goering die Kontrolle der Rohstoffe und Devisen uebertragen worden war. Goering befuehwertete ein stark erweitertes Programm zur Produktion von synthetischen Rohstoffen, dem sich Schacht mit der Begrueundung widersetzte, dass die daraus erwachsende finanzielle Ueberspannung eine Inflation zur Folge haben koennte. Schachts Einfluss verminderte sich weiter, als Goering am 16. Oktober 1936 zum Generalbevollmaechtigten fuer den Vierjahresplan ernannt wurde mit der Aufgabe, " die Gesamtwirtschaft innerhalb vier Jahren in einen Zustand der Kriegsbereitschaft zu versetzen. "

Schacht hatte sich der Ankündigung dieses Planes und der Ernennung Goeringe zum Leiter desselben widersetzt, und offensichtlich bedeutete Hitlers Vorgehen die Entscheidung, dass Schachts Wirtschaftspolitik für die drastische Aufrüstungspolitik, die Hitler einschlagen wollte, zu konservativ war."

" Schacht wich in seiner Auffassung von gewissen, grundsätzlichen politischen Fragen von Goering ab. Aus finanziellen Gründen befürwortete Schacht eine Einschränkung des Aufrüstungsprogramms und widersetzte sich einem grossen Teil der vorgeschlagenen Ausdehnung der Produktionsmöglichkeiten, besonders in Bezug auf synthetische Stoffe, weil sie unwirtschaftlich seien und drängte auf eine drastische Einschränkung des Regierungskreditos "

Am 7. Januar 1939 legte Schacht Hitler einen von den Direktoren der Reichsbank unterzeichneten Bericht vor, der auf eine drastische Beschränkung der Ausgabenausgaben drängte..... Am 23. Juli 1944 wurde Schacht von der Gestapo verhaftet und bis zum Ende des Krieges in einem Konzentrationslager eingesperrt

Schon im Jahre 1936 begann Schacht eine Begrenzung des Aufrüstungsprogramms aus finanziellen Gründen zu befürworten. Wenn die von ihm befürwortete Politik in die Tat umgesetzt worden wäre, so wäre Deutschland auf einen allgemeinen europäischen Krieg nicht vorbereitet gewesen. Das Beharren auf seiner Politik führte schliesslich zu seiner Entlassung aus allen Stellen von wirtschaftlicher Bedeutung in Deutschland. Auf der anderen Seite war Schacht mit seiner gründlichen Kenntnis der deutschen Finanzen in einer besonders günstigen Lage, um die wahre Bedeutung Hitlers wahnsinniger Aufrüstung zu verstehen, und um zu erkennen, dass die Wirtschaftspolitik, wie sie verfolgt wurde, nur mit dem Krieg als Ziel vereinbar war."

Seine Beteiligung an der Besetzung Oesterreichs und des Sudetenlandes (die nicht in der Anklage als Angriffskriege aufgeführt werden), war derartig beschränkt, dass sie nicht als Teilnahme an dem unter Anklagepunkt I genannten gescheiterten Plan zu bezeichnen ist." (Unterstreichungen eingefügt.)

Die Lage hinsichtlich Schachts, wie sie dem IMG auf Grund des von der Anklagebehörde und der Verteidigung vorgebrachten Beweismaterials dargestellt wurde, scheint also folgendermassen gewesen zu sein:

(a) Bis in die erste Zeit des Jahres 1936, (als Schacht nach dem IMG seinen Einfluss zu verlieren begann), kann man wohl sagen, dass Schacht wesentlich an dem Aufbau der militärischen Macht Deutschlands teilnahm. Wie jedoch vom IMG festgestellt wird, "ist Wiederaufrüstung an sich, nach dem Statut, kein Verbrechen". Ein innerer Tatbestand der Schuld muss daneben hergehen. Der IMG hat die Auffassung vertreten, dass das Beweismaterial fuer diese Zeitperiode nicht ueber jeden begruendeten Zweifel hinaus nachweist, dass der erforderliche innere Tatbestand in der Person Schachts vorlag. So zitiert der IMG die folgende Aussage Schachts, auf die er sich in beträchtlichem Masse stuetzte:

"Schacht hat behauptet, dass er nur deshalb an dem Aufrüstungsprogramm teilnahm, weil er ein starkes und unabhängiges Deutschland aufbauen wollte, das eine Aussenpolitik fuhren wurde, die auf der Basis der Gleichberechtigung mit anderen europäischen Ländern Achtung geniessen wurde; dass er, als er entdeckte, dass die Nazis fuer Angriffszwecke aufrüsteten, versuchte, das Tempo der Aufrüstung herabzusetzen, und dass er nach der Verabschiedung von von Fritsch und von Blomberg an Plänen zur Entfernung Hitlers, zuerst durch seine Absetzung und spater durch Ermordung, teilnahm." (Unterstreichungen eingefügt, Seite 348).

Deshalb war fuer die Zeit, als Schachts Teilnahmehandlungen erheblich waren "die Annahme, dass Schacht tatsaechlich von den Angriffsplaenen wusste, nicht ueber einen vernuenftigen Zweifel hinaus erwiesen" worden. (Seite 349/50).

(b) Das IMG stellte fest, dass, nachdem Schacht nach seinem eigenen Eingeständnis "entdeckte, dass die Nazis fuer Angriffszwecke aufrüsteten", er nicht mehr wesentlich an der Foerderung der militärischen Macht Deutschlands teilnahm. Er hat in Wirklichkeit eine Politik befuerwortet, die nach dem IMG bedeutete, dass im Falle ihrer Umsetzung in die Tat Deutschland nicht auf den Krieg vorbereitet gewesen waere, und er hat Massnahmen ergriffen, um sich von einer aktiven Teilnahme zurueckzuziehen.

Während Schacht also auusserlich Teilnehmer war, lag der innere Tatbestand nicht vor; nachdem er sich der Bedeutung der Teilnahme bewusst war, verweigerte er dieselbe. Es ist natuerlich selbstverstaendlich, dass der innere und auessere Tatbestand gleichzeitig vorgelegen haben muss, um einen Angeklagten wegen eines Verbrechens zu verurteilen.

(c) Schachts Teilnahme an der Besetzung Oesterreichs und des Sudetenlandes verdient besonderer Erwaechnung. Es ist zunaechst darauf hinzuweisen, dass der IMG diese Teilnahme als "derartig beschränkt" bezeichnet, "dass sie nicht als Teilnahme an dem gemeinsamen Plan zu bezeichnen sei", und bestaetigt hierdurch die oben besprochene Auslegung der Entscheidung des IMG. Mit anderen Worten, der IMG erwachte bezueglich Oesterreichs und des Sudetenlandes vielmehr den Mangel eines hinreichenden auesseren Tatbestands, als den Mangel des erforderlichen inneren Tatbestands. In diesem Zusammenhang ist es auch bemerkenswert, dass der IMG ausdrucklich auf die Tatsache Bezug nimmt, dass weder die Besetzung Oesterreichs noch des Sudetenlandes in der Anklage als Angriffskriege zur Last gelegt worden sind.* (Seite 349)

16. Freispruch von Papens unter Punkt I und Punkt II. Die Zitate der Verteidigung aus dem IMG sind wiederum sehr unzuenaenglich. Die Verteidigung zitiert

"Laut dem Beweismaterial unterliegt es keinem Zweifel, dass das Hauptziel von Papens als Gesandter in Oesterreich darin bestand, das Schuschnigg-Regime zu unterhoehlen und die oesterreichischen Nazis zu staerken, um den Anschluss herbeizufuehren. Um diesen Plan durchzufuehren hat er sowohl Intrigen betrieben, als auch Drohungen gebraucht. Das Statut hat jedoch solche Verletzungen der politischen Moral nicht als verbrecherisch bezeichnet, so uebel sie auch sein moegen. Nach dem Statut kann von Papen nur dann fuer schuldig befunden werden, wenn er an der Planung eines Angriffskriegs teilgenommen hat. Es liegen keine Beweise dafuer vor, dass er an den Plaenen, bei denen die Besetzung Oesterreichs einen Schritt in der Richtung weiterer Angriffshandlungen darstelle, teilgenommen hatte (Seite 370).

* Es wird haeufig angefuehrt, dass der IMG der Meinung gewesen sei, dass die Besetzung Oesterreichs und des Sudetenlandes keinen Angriffskrieg darstelle. In Wirklichkeit hat der IMG diese Frage nicht entschieden und konnte dies auch nicht tun, da die Anklageschrift, die beim IMG eingereicht worden war, niemals die Beschuldigung erhebt, dass diese Besetzungen Angriffskriege seien. Es ist auch bemerkenswert, dass das Statut nicht den Begriff "Einfälle" zum Unterschied von "Angriffskriegen" enthaelt, wie derselbe im Kontrollratsgesetz Nr. 10 erscheint. Ausserdem hat der IMG die Besitzergreifung und Besetzung Oesterreichs als eine Angriffshandlung und ein "Verbrechen innerhalb der Zustaendigkeit des Gerichtshofs" bezeichnet. Siehe Erweiterung Teil II dieser Antwort, Abschnitt

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Der uobrige Teil des Satzes am Schluss dieser Stelle lautet: "oder gar, dass er an Flaenen, Oesterreich, wenn notwendig, durch einen Angriffskrieg zu besetzen, beteiligt gewesen waere." Weitere Zitate aus dem Teil der auf Papen bezueglichen Urteilsbegrueundung sind:

"Nach der Unterzeichnung dieses Vertrags (betreffend Oesterreich vom 11. Juli 1936) bot von Papen seinen Ruecktritt an, der jedoch nicht angenommen wurde

Am 4. Februar 1938 wurde von Papen von seiner Abberufung vom Gesandtenposten in Oesterreich vorstaendigt

Kein Beweismaterial ist vorgelegt worden, aus dem hervorgegangen waere, dass von Papen die gewaltsame Besetzung Oesterreichs befuehrtete, und er hat ausgesagt, dass er Hitler von diesem Schritt stark abgeraten hat

Nach der Annektierung Oesterreichs zog sich von Papen ins Privatleben zurueck und es liegt kein Beweis dafuer vor, dass er an der Politik irgendeinen Anteil nahm."

Es ist also klar, dass die Entscheidung des IIG auf der These beruht, dass die Handlungen von Papens bis Anfang 1938 keine genuegende Teilnahmehandlung darstellen, um eine Verurteilung zu rechtfertigen. Seine Handlungen wurden noch nicht einmal als wesentlich zur Foerderung eines Planes zur Anwendung militaerischer Gewalt gegen Oesterreich, falls sich dies als notwendig erweisen sollte, betrachtet; ganz zu schweigen von der Foerderung von "Flaenen, bei denen die Besetzung Oesterreichs ein Schritt in der Richtung weiterer Angriffskriege darstelle."

17. Freispruch Speers unter Punkt I und II. Der von der Verteidigung eingefuehrte Teil der Urteilsbegrueundung des IIG, der sich auf Speer bezieht, spricht fuer sich selbst.

"Der Gerichtshof ist der Ansicht, dass die Taetigkeit Speers, nicht daraufhinzielt, Angriffskriege einzuleiten, zu planen oder vorzubereiten, oder sich zu diesen Zwecke zu verschworen. Chef der Ruestungsindustrie wurde er lange nachdem alle Kriege bereits begonnen hatten und im Gange waren. Seine Taetigkeit diente, als ihm die deutsche Ruestungsproduktion unterstand, den Kriegsanstrengungen ebenso, wie andere Produktionsunternehmungen der Kriegfuehrung gedient haben. Der Gerichtshof ist jedoch nicht der Ansicht, dass eine solche Taetigkeit die Teilnahme an einem auf die Fuehrung von Angriffskriegen im Sinne von Punkt I der Anklage gerichteten Plan darstellt und auch nicht die Fuehrung eines Angriffskriegs gemass Punkt II der Anklage bedeutet."

Speer "wurde Chef der Rüstungsindustrie, lange nachdem alle Kriege bereits begonnen hatten und im Gange waren." Der Gerichtshof hat seine Tätigkeit zu einem solchen späten Zeitpunkt nicht als eine hinreichende Teilnahmehandlung erachtet. Dass dies richtig ist, wird schlussig durch die Tatsache bewiesen, dass Doenitz vor aktiv "sofort nach Kriegsausbruch" teilnahm, der Führung von Angriffskriegen fuer schuldig befunden wurde. Es ist offensichtlich, dass, sobald die Kriege einmal begonnen hatten, Doenitz, sowohl als auch Speer, wussten, dass es Angriffskriege waren. Demgemäss war, falls eine Teilnahmehandlung vorlag, der innere Tatbestand bei beiden ausreichend. Jene Teile des Urteils, die sich auf Doenitz und Speer beziehen, bringen klar zum Ausdruck, dass Doenitz's Tätigkeit vom IMG als eine hinreichende Teilnahmehandlung erachtet wurde, wegen des auf Grund des vorgelegten Beweismaterial bei Speer nicht der Fall war. (Es darf bemerkt werden, dass praktisch das gesamte dem Gerichtshof vorliegende Beweismaterial ueber Speers Tätigkeit sich in beschränktem Masse auf seine Teilnahme am Zwangsarbeitsprogramm bezog.) Im Urteil des IMG lautet nichts daraufhin, dass der Gerichtshof der Ansicht war, dass bei Doenitz bezueglich der gefuehrten Kriege ein verschiedener innerer Tatbestand vorlag, als bei Speer.

18. Freispruch Sauckels unter Punkt I und II. Der Grund dafuer, dass Sauckel unter Punkt I und II freigesprochen wurde, wird vom Gerichtshof folgendermassen ausgedrueckt: "Das Beweismaterial hat den Gerichtshof nicht davon ueberzeugt, dass Sauckel in einem solchen Umfang mit dem gemeinsamen Plan zur Fuehrung eines Angriffskriegs in Verbindung gestanden hatte oder in einem solchen Umfang in Planung oder Fuehrung von Angriffskriegen verwickelt war, dass der Gerichtshof ihn nach Anklagepunkt I oder II hatte verurteilen koennen." (Seite 362).

Dass der Grund fuer den Freispruch eine nicht hinreichende Teilnahmehandlung einer Person war, die im Maerz 1942 wichtige Aufgaben uebernahm und nicht ein bangelnder subjektiver Tatbestand, ist ganz klar.

Es soll hier vermerkt werden, dass die Anklagebehörde der Ansicht ist, dass diese Entscheidung in keiner Weise ihren Standpunkt Abbruch tut, dass das Zwangsarbeitsprogramm ein wesentlicher Bestandteil der Vorbereitung von Angriffskriegen und fuer deren Fuehrung war. Hinsichtlich Sauckels kann man hochstens von der Entscheidung sagen, dass Durchfuehrung des Zwangsarbeitsprogramms allein oder Teilnahme daran,

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lange, nachdem die Angriffskriege begonnen hatten, vom Gerichtshof nicht als hinreichende Teilnahmehandlung an Angriffskriegen erachtet wurde.

(Anmerkung: Die naechsten sechs zu besprechenden Angeklagten, naemlich Kaltenbrunner, Frank, Stroicher, von Schirach, Fritzsche und Bormann waren nicht unter Punkt II der IMG-Anklageschrift angeklagt, der Punkt I der Anklageschrift im Falle vergleichbar ist; ganz abgesehen davon, war Punkt I der IMG-Anklageschrift, unter welchem sie angeklagt waren, wesentlich verschieden vom dem gegenwaertigen Punkt V der Anklageschrift im Fall 8.)

19. Freispruch Kaltenbrunners unter Punkt I. Der Freispruch Kaltenbrunners unter Anklagepunkt I war direkt auf der Feststellung begruendet, dass das Beweismaterial "seine unmittelbare Teilnahme" an irgendeinem Plane zum Fuehren eines Angriffskriegs nicht erwies. (S.329). Kaltenbrunner wurde nach dem Anschluss zum oesterreichischen Staatssekretar fuer die oeffentliche Sicherheit ernannt und nach Abschaffung dieses Amtes im Jahre 1941 wurde er Hoehrerer SS und Polizeifuehrer (Seite 328). Erst am 30. Januar 1943 wurde Kaltenbrunner zum Chef der Sicherheitspolizei und des SD und zum Leiter des Reichssicherheitshauptamts ernannt. Es darf erwachnt werden, dass bei der Bezugnahme auf das Beweismaterial bezueglich Kaltenbrunners Taetigkeit der IMG ausdruecklich erwachnt, dass der Einfall in Oesterreich, welchen der IMG als eine "Angriffshandlung" bezeichnet, in der Anklageschrift nicht als Angriffskrieg zur Last gelegt worden war.

20. Freispruch Franks unter Punkt I. Die Gruende fuer den Freispruch Franks unter Punkt I werden von Gerichtshof auf Seite 334 mit den folgenden Worten aufgefuehrt: "Das Beweismaterial konnte den Gerichtshof nicht ueberzeugen, dass Frank mit dem Plan, Angriffskriege zu fuehren, eng genug verbunden war, um ihn gemass Punkt I fuer schuldig zu erklaren." Franks Stellung vor 1939 wurde von IMG folgendermassen beschrieben: "Er wurde Mitglied des Reichstages im Jahre 1930, bayerischer Justizminister im Maerz 1933 und Reichsminister ohne Portefeuille, als diese Behoerde im Jahre 1934 in die Reichsregierung eingegliedert wurde. 1933 wurde er zum Reichsleiter der Naziartei fuer Rechtsangelegenheiten ernannt und im gleichen Jahr wurde er Vorsitzender der Akademie fuer Deutsches Recht. (Seite 334).

21. Freispruch Streichers unter Punkt I. Mit der wahren Natur von Streichers Tätigkeit vor sich, so verurteilungswert dieselbe auch war, kommt der Gerichtshof auf Grund des vorgelegten Beweismaterials nicht über jeden vernünftigen Zweifel hinaus feststellen, dass diese Tätigkeit in ausreichender Verbindung mit einem gemeinsamen Plan oder Verschwörung zur Führung von Angriffskriegen stand. Blosser Teilnahme an einigen der unmenschlichen Praktiken der Nazi-Regierung stellt nicht notwendigerweise Teilnahme an ihrem Programm für Angriffe dar. Streichers Stellung im Dritten Reich wird von IMG folgendermaßen beschrieben: "Als eines der frühesten Mitglieder trat er im Jahre 1921 der Nazi-Partei bei und nahm am Münchener Putsch teil. Er war Gauleiter von Franken von 1925 bis 1940. 1933 wurde er in den Reichstag gewählt; er hatte den Ehrenrang eines Generals der SA". (Seite 340).

22. Freispruch von Schirachs unter Punkt I. Bis 1940 war von Schirach Reichsführer der deutschen Jugend, danach war er Gauleiter und Reichsstatthalter der Stadt Wien. Der IMG machte die folgenden Bemerkungen über die Teilnahme von Schirach an dem gemeinsamen Plan oder der Verschwörung:

"Trotz der kriegsähnlichen Tätigkeit der Hitlerjugend hat es doch nicht den Anschein, als ob von Schirach in der Ausarbeitung des Hitlerschen Plans für territoriale Ausdehnung durch Angriffskriege verwickelt war, oder als ob er an der Planung oder Vorbereitung irgendeines der Angriffskriege beteiligt war." (Seite 360).

Die Anklageschrift des IMG hat ihn als Teil des gemeinsamen Planes oder der Verschwörung, deren Kern die Nazi-Partei war, das Folgende zur Last gelegt:

"Das Erziehungssystem und insbesondere die Erziehung und Schulung der deutschen Jugend wurde von den Naziverschwörern umgestaltet, um das deutsche Volk ihrem Willen gefügig zu machen und es psychologisch auf den Krieg vorzubereiten."

Die Anklageschrift vor dem IMG betonte auf diese Weise nur den "kriegsähnlichen Charakter" dieser Tätigkeit und hat nicht die Beschuldigung erhoben, dass sie in direktem Zusammenhang mit "Hitlers Plan für territoriale Ausdehnung" standen.

23. Freispruch Fritsches unter Punkt I. Der Teil des Urteils, der von der Anklage hinsichtlich Fritsche zitiert wird, ist besonders aufschlussreich:

"Nie galt er als wichtig genug, um zu den Planungsbesprechungen zugezogen zu werden, die zu Angriffskriegen führten; seine eigene unwidersprochene geliebte Aussage behauptet, dass er niemals selbst mit

Hitler gesprochen habe. Auch liegt kein Material vor, das zeigt, dass er ueber die auf diesen Sitzungen getroffenen Entscheidungen unterrichtet war. Man kann nicht sagen, dass seine Taetigkeit unter die in diesem Urteil gegebene Definition eines gemeinsamen Plans zur Fuehrung von Angriffskriegen fiel." (Seite 382).

Wir sind der Ansicht, dass dies zum Ausdruck bringt, dass er nicht wegen des mangelnden erforderlichen inneren Tatbestands freigesprochen wurde, sondern weil er keine Taetigkeit ausubte, die ausreichend war, um eine Teilnahmehandlung darzustellen. Wie der IMG sich ausdrueckte:

"Fritzsche hatte die Formulierung dieser Propagandamassnahmen nicht zu bestimmen. Er war lediglich der Uebermittler der Anweisungen, die Dietrich ihm fuer die Presse gab.... Anfanglich beeinflussten Dietrich und andere Abteilungschefs die Politik, die der Rundfunk zu befolgen hatte. Gegen Kriegsende jedoch wurde Fritzsche allein massgebend fuer Radicangelegenheiten." (Seite 381).

Der IMG stellte also fest, dass Fritzsche bis lange nach Kriegsausbruch nur in einem unbetrachtlichen Masse Teilnahmehandlungen beging. Soweit er ~~wesentlich~~ in der letzten Zeit des Krieges wesentliche Teilnahmehandlungen beging, liegt sein Fall noehnlich wie der von Sauckel und Speer.

24. Freispruch Bormanns unter Punkt I. Der die Beschuldigungen gegen Bormann unter Punkt I betreffende Teil des IMG-Urteils lautet folgendermassen: (Seiten 383, 384).

Anfaenglich nur ein unbedeutender Nazi, gewann Bormann allmaehlich immer mehr an Macht, und besonders in den Tagen, da es zu Ende ging, hatte er grossen Einfluss auf Hitler. Er war rege taetig beim Aufstieg der Partei zur Macht und noch mehr bei Festigung dieser Macht. Einen grossen Teil seiner Zeit widmete er der Verfolgung der Kirchen und Juden in Deutschland.

Es liegen keine Beweise dafuer vor, dass Bormann von Hitlers Plaenen, Angriffskriege vorzubereiten, einzuleiten und zu fuehren, wusste. Er wohnte keiner der wichtigen Besprechungen, auf denen Hitler Stueck fuer Stueck diese Angriffsplaene enthuelte, bei. Man kann auch nicht ueberzeugend eine derartige Kenntnis aus den von ihm bekleideten Stellungen ableiten. Erst als er im Jahre 1941 Leiter der Parteikanzlei, und spaeter, im Jahre 1943, Sekretaeer des Fuehrers wurde, und dabei vielen Besprechungen Hitlers beiwohnte, gaben ihm diese Stellungen entsprechenden Zutritt. Beruecksichtigt man die an anderer Stelle besprochene Ansicht des Gerichtshofes ueber den Tatbestand der Verschwörung zur Fuehrung eines Angriffskrieges, dann reichen die vorliegenden Beweise nicht aus, um Bormann nach Anklagepunkt I schuldig zu erklæren." (Unterstreichungen hinzugefuegt).

Obgleich der oben zitierte Teil von "Kenntnis" spricht, zeigt die Iktuere der Gesamtentscheidung ueber Bormann, einschliesslich jenes Teiles ueber Kriegsverbrechen und Verbrechen gegen die Menschlichkeit, dass das Beweismaterial in Bezug auf die Foerderung der Kriegsanstrengungen bis 1941, d.h. lange nachdem die meisten der Angriffskriege in Gang gesetzt worden waren, keinen wesentlichen Anteil Bormanns darlegte. Der Umstand, dass das Beweismaterial nicht ergab, dass er von den Einzelheiten von Hitlers Plaenen "Kenntnis" hatte, bestaetigt die Tatsache, dass ein Aufstieg zu einer "Machtstellung" in der Regierung "in den Schlusstagen" erfolgte. Insofern als der DMG die Abwesenheit eines inneren Tatbestandes bei Bormann kennzeichnen wollte, sollte beachtet werden, dass "er einen grossen Teil seiner Zeit der Verfolgung der Kirchen und der Juden in Deutschland widmete" und dass das von der Anklagebehoerde vorgelegte Beweismaterial sich fast ganz auf diese Taetigkeit und auf die anderen in der DMG-Entscheidung erwahnten Kriegsverbrechen und Verbrechen gegen die Menschlichkeit bezog.

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25. Frick's Freisprechung unter Punkt I; seine Verurteilung unter Punkt III: Bei der Freisprechung Fricks von der Teilnahme an gemeinsamen Plan oder Verschwörung erklärte das Tribunal:

" Vor dem Angriff auf Oesterreich war Frick nur mit der inneren Verwaltung des Reiches befasst. Das Beweismaterial ergibt nicht, dass er an einer Besprechung teilgenommen haette, in denen Hitler seine Angriffsabsichten entwickelte. Infolgedessen nimmt der Gerichtshof den Standpunkt ein, dass Frick kein Mitglied des gemeinsamen Plans oder der gemeinsamen Verschwörung zur Föhrung eines Angriffskrieges gemäss der in diesem Urteil enthaltenen Begriffsbestimmungen gewesen ist." (S.299)

In anderen Worten : Fricks Taetigkeit vor dem Angriff auf Oesterreich stellte keinen genuegend grossen Anteil an dem gemeinsamen Plan oder der Verschwörung dar. Frick wurde unter Punkt II fuer schuldig befunden. Eine der bedeutenden Erwaegungen, nach der Meinung des IMG, war der Umstand, dass Fricks Teilnahme an der Foerderung von Deutschlands Angriffsprogramm erst Bedeutung erlangte, nachdem die Angriffstaetigkeit begonnen hatte. Der gemeinsame Plan oder die Verschwörung, wie in Punkt I der IMG- Anklageschrift zur Last gelegt, war so formuliert, dass er, wie von dem Gerichtshof erklart, " 25 Jahre, d.h., von der Gruendung der Nazi-Partei im Jahre 1919 bis zum Ende des Krieges im Jahre 1945, umfasst". (S. 224). Obgleich der IMG keine allumfassende, ueber 25 Jahre sich erstreckende Verschwörung entdecken konnte (er sagte auf Seite 225: " sie darf von der Zeit der Entscheidung und der Tat nicht zu weit entfernt sein"), so fuehlte das IMG doch anscheinend, dass um den gemeinsamen Plan oder die Verschwörung, wie die Anklage lautete, zu begruenden, eine wesentliche Teilnahme vor den Beginn der ersten Angriffshandlung, d.h. den Einfall in Oesterreich, festgestellt werden musste.

26. Freispruch von Doenitz unter Punkt I; Verurteilung unter Punkt II:

Bei der Freisprechung Doenitz unter Punkt I erklarte der Gerichtshof (S.310)

" Er war Berufsoffizier, der rein militaerische Aufgaben erfuehlte. Er war bei den wichtigsten Besprechungen, in denen Plaene fuer Angriffskriege verkuendet wurden, nicht zugegen, und es liegt kein Beweis dafuer vor, dass er ueber die

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dort getroffenen Entscheidungen unterrichtet wurde". Der Gerichtshof entschied daraufhin, dass sein Beitrag an der Fuehrung des Krieges genuegend sei, um ihn nach Punkt II schuldig zu finden. Das Tribunal erklarte (Seite 350):

"Doenitz hat jedoch Angriffskriege im Sinne des Statuts gefuehrt. Der Unterseesbootkrieg, der sofort bei Ausbruch des Krieges einsetzte, wurde mit den uebrigen Wehrmachtsteilen voellig in eine Linie gebracht. Es ist klar, dass seine U-Boote, deren es damals nur wenige gab, fuer den Krieg vollstaendig vorbereitet waren."

Die Gesamtgrundlage des Urteils in Bezug auf Doenitz beruht also auf dem Umfang seiner Teilnahme.

27. Freisprechung von Seyss-Inquart unter Punkt I; Verurteilung unter Punkt II: Die Taetigkeit von Seyss-Inquart, auf Grund welcher er unter Punkt II fuer schuldig befunden wurde, begann "an den letzten Phasen der Nazi-Intrige, die der deutschen Besetzung Oesterreichs vorangingen". Die zur Freisprechung Fricks unter Punkt I und zu seiner Verurteilung unter Punkt II fuehrenden Gruende sind auch hier in gleicher Weise anwendbar.

28. Die Freisprechung Funks unter Punkt I; seine Verurteilung unter Punkt II: Der Gedankengang des Gerichtshofes ist besonders bezeichnend und steht im vollen Einklang mit der Haltung der Anklagebehoerde. Wir zitieren den gesamten Text aus dem Teil des IMC-Urteils, das sich mit Funks Verurteilung unter Punkt II und seiner Freisprechung unter Punkt I befasst:

"Nachdem der Nazi-Plan, Angriffskriege zu fuehren, klar festgelegt worden war, wurde Funk auf dem Gebiete der Wirtschaft aktiv. Einer seiner Vertreter wohnte einer Sitzung am 14. Oktober 1938 bei. Auf dieser Sitzung kuendigte Goering eine ungeheure Kuerstungssteigerung an und wies den Wirtschaftsminister an, die Ausfuhr zu steigern, um die notwendigen Devisen zu erlangen. Am 28. Januar 1939 sandte einer der Untergebenen Funks an das OKW ein Memorandum ueber die Verwendung von Kriegsgefangenen zum Ausgleich des Arbeitermangels, der im Falle einer Mobilisierung entstehen wuerde. Am 30. Mai 1939 war der Unterstaatssekretaer des Wirtschaftsministeriums bei einer Sitzung anwesend, auf der genaue Plaene fuer die Finanzierung des Krieges entworfen wurden.

Funk schrieb am 25. August 1939 einen Brief an Hitler, in welchem er seine Dankbarkeit dafuer zum Ausdruck brachte, dass er an solch welterschuetternden Ereignissen teilnehmen duerfe, und worin er berichtete, dass seine Plaene zur 'Kriegsfinanzierung', fuer die Lohn- und Preiskontrolle und fuer die Staerkung der Reichsbank fertiggestellt seien und dass er unauffaellig alle in Deutschland verfuegbaren Devisenguthaben in Gold verwandelt habe. Nach Kriegsbeginn, am 14. Oktober 1939, hielt er eine Rede, in welcher er feststellte, dass diejenigen deutschen Wirtschafts- und Finanzbehoerden, die dem Vierjahresplan unterstanden, schon ueber ein Jahr geheime wirtschaftliche Vorbereitungen fuer den Krieg getroffen haetten.

Funk nahm an der dem Angriff auf die Sowjetunion vorausgehenden wirtschaftlichen Planung teil. Sein Stellvertreter hielt tagliche Besprechungen mit Rosenberg ueber die wirtschaftlichen Probleme ab, die sich aus der Besetzung sowjetrussischen Gebietes ergeben wuerden. Funk selbst nahm an dem Plan des Druckens von Rubelscheinen in Deutschland vor dem Angriff teil, die als Besetzungswaehrung in der Sowjetunion dienen sollten. Nach dem Angriff hielt er eine Rede, in welcher er die Plaeue darlegte, die er fuer die wirtschaftliche Ausnutzung der 'riesigen Gebiete der Sowjetunion' gemacht hatte, welche als Rohmaterialquellen fuer Europa dienen sollten.

Funk war keine der Hauptpersonen bei der Nazi-Planung des Angriffs-krieges. Seine Taetigkeit im Wirtschaftsleben unterstand Goering in dessen Eigenschaft als Generalbevollmaechtigter fuer den Vier-jahresplan. Er wirkte jedoch an den wirtschaftlichen Vorbereitungen gewisser Angriffskriege mit, vor allem an jenen gegen Polen und die Sowjetunion. Aber seine Schuld kann in ausreichender Weise unter Punkt 2 der Anklage dargetan werden." (Unterstreichungen hinzugefuegt).

29. Im ganzen genommen widerspricht das Urteil des IAG, soweit es sich auf das Reichskabinett und die 14 wegen gewisser Beschuldigungen unter Punkt I und II der IAG-Anklageschrift Angeklagten bezieht, nicht der Haltung der Anklagebehoerde, sondern stuetzt sie vielmehr. Solche Freisprueche, wie wir gesehen haben, gruendeten sich im grossen ganzen auf ungenuegendes Beweismaterial, das nicht erlaubte, ueber jeden begruendeten Zweifel hinaus zu entscheiden, dass die Angeklagten an dem Angriffsprogramm in genuegend grossem Masse teilgenommen hatten. In Bezug auf Punkt I, dem "Gemeinsamen Plan oder Verschwuerung" erforderte die Anklageschrift, so wie sie abgefasst war, eine wesentliche Teilnahme vor dem Einfall in Oesterreich. In Bezug auf Anklagepunkt II war wesentliche Teilnahme vor dem Einfall in Oesterreich nicht erforderlich, aber diese Teilnahme konnte nicht beginnen, "nachdem alle Kriege schon laengst angefangen hatten",

30. In keinem einzigen Freispruch bei einem dieser 14 Angeklagten nach Punkt I oder Punkt II laesst sich das Beweismaterial vergleichen mit dem Beweismaterial fuer die Taetigkeit der Angeklagten in diesem Prozess, die sich ueber eine Reihe von Jahren erstreckt, lange vor dem Krieg beginnt und erst mit Deutschlands Zusammenbruch endet. Es ist gezeigt worden (Teil I des Schriftsatzes), dass die Angeklagten durch die IG und auf andere Weise waehrend eines Zeitraumes von 12 Jahren an einer Reihe von Handlungen teilnahmen, die die Gewaehrung betraechtlicher finanzieller Hilfe an Hitler einschloss,

um ihm bei der Machtergreifung zu helfen und die weitere Gewährung finanzieller Hilfe, um ihn an der Macht zu erhalten. Sie umfasste ausserdem enge Zusammenarbeit mit der Wehrmacht, Organisation und Vorbereitung von Mobilisationsplaenen, Teilnahme an der wirtschaftlichen Mobilisierung Deutschlands fuer den Krieg, einschliesslich einer Hauptrolle im Vierjahresplan, Mitwirkung an Handlungen, die fuer die Schaffung und Ausruestung der Nazi-Kriegemaschine unerlaesslich waren, Anhaeuftung kriegswichtiger Rohstoffe, Mitwirkung wesentlicher Propaganda, Nachrichten- und Spionagetatigkeit, Gebrauch ihrer Geschaeftsverbindungen und Kartellbeziehungen als Waffe zur Schwaechung des Kriegspotentials anderer Laender, Tarnung und Gebrauch ihrer auslaendischen Vermoegenswerte fuer Kriegszwecke, Plan, die chemische Industrie Europas zu uebernehmen und moeglicherweise die chemische Industrie der Welt zu beherrschen, Pluenderung von ganz Europa, Verwendung von Sklavenarbeit im weiten Umfang zur Versorgung der deutschen Kriegemaschine. Die Handlungen, fuer die die oben erwahnten 14 Angeklagten vor dem IMG verantwortlich waren, stellten in weit geringerem Masse als die obigen Handlungen eine Teilnahme an der Festigung der militaerischen Macht Deutschlands dar. Die Verteidigung stuetzt sich in betraechtlichem Masse auf die Freisprechung Schachts und Papens und Speers. Wenn irgendeiner der Angeklagten in diesem Prozesse beweisen koemte, wie z.B. Schacht, dass er "sich der vorgeschlagenen Ausdehnung der Produktionsmoeglichkeiten, insbesondere in Bezug auf synthetische Stoffe widersetzte", und dass "er eine drastische Einschraenkung der Ruestungsausgaben vertrat" und dass er "an Plaenen zur Entfernung Hitlers teilnahm", oder wie es Papen tat, dass er aus politischen Gruenden "seinen Ruecktritt anbot, der jedoch nicht angenommen wurde" und dass er "sich ins Privatleben zurueckzog", als der Angriff begann, oder wie im Falle Speers, dass seine Teilnahme erst begann, "nachdem all die Kriege bereits begonnen hatten und im Gange waren", dann wuerde die Anklagebehoerde in Bezug auf diese Angeklagten eine andere Haltung einnehmen.

31. Die Verteidigung zitiert mit betrachtlichem Vertrauen die folgenden Auszuege aus dem Urteil des IMG unter der Ueberschrift "das fuer den gemeinsamen Plan oder die Verschwörung geltende Recht" (Seite 251-52):

"Der Gerichtshof muss untersuchen, ob ein konkreter Plan zur Kriegsfuehrung bestand und bestimmen, wer an diesem konkreten Plan teilgenommen hat."

"Aus der Beweisfuehrung geht jedoch mit Bestimmtheit eher das Bestehen vieler einzelner Plaene hervor, als eine einzige, alle solche Plaene umfassende Verschwörung."

Eine sorgfaeltige Lektuere desjenigen Teiles des Urteils, dem diese Auszuege entnommen sind, zeigt, dass ihr wirklicher Sinn verloren geht, wenn sie aus dem Zusammenhang herausgenommen werden. So sprach der IMG von der Tatsache, dass die Anklageschrift einen gemeinsamen Plan oder Verschwörung zum Gegenstand der Anklage gemacht habe, der 25 Jahre umfasste, von der Bildung der Nazi-Partei an im Jahre 1919 bis zum Ende des Krieges im Jahre 1945, dass in der Anklageschrift die Partei als das "Bindeglied zwischen den Angeklagten" zur Durchfuehrung der Ziele der Verschwörung behandelt wurde, dass eine sich ueber 25 Jahre erstreckende Reihe von Handlungen als "die Verschwörung" darstellend zur Last gelegt wurde. Das IMG-Urteil erklarte dann (Seite 251):

"Die Anklagebehoerde sagt dem Sinne nach, dass jede bedeutsame Beteiligung an den Angelegenheiten der Nazi-Partei oder der Regierung einen Beweis fuer die Beteiligung an einer an und fuer sich schon verbrecherischen Verschwörung darstelle. Der Begriff der Verschwörung ist im Statut nicht definiert. Doch muss nach Ansicht des Gerichtshofes die Verschwörung in Bezug auf ihre verbrecherischen Absichten deutlich gekennzeichnet sein. Sie darf vom Entschluss und von der Tat zeitlich nicht zu weit entfernt sein. Soll das Planen als verbrecherisch bezeichnet werden, so kann das nicht allein von den in einem Parteiprogramm enthaltenen Erklarungen abhaengen, wie sie in den im Jahre 1920 verkuendeten 25 Punkten der Nazi-Partei zu finden sind, und auch nicht von den in spaeteren Jahren in "Mein Kampf" enthaltenen politischen Meinungsaeusserungen. Der Gerichtshof muss untersuchen, ob ein konkreter Plan zur Kriegsfuehrung bestand und bestimmen, wer an diesem konkreten Plan teilgenommen hat.

"Es ist nicht notwendig zu entscheiden, ob durch das Beweismaterial das Bestehen einer einzigen Hauptverschwörung unter den Angeklagten erwiesen worden ist. Die Machtergreifung durch die Nazi-Partei und die darauffolgende Beherrschung aller Bereiche des wirtschaftlichen und sozialen Lebens durch den Nazi-Staat muss selbstverstaendlich bei der Pruefung der spaeteren Kriegsplaene in Betracht gezogen werden. Dass bereits am 5. November 1937 und wahrscheinlich noch frueher, Kriegsplaene geschmiedet wurden, liegt klar zutage. Und daran anschliessend wurden solche Vorbereitungen nach vielen Richtungen hin fortgesetzt, und zwar gegen viele friedliche Laender. In der Tat bildete die Kriegsdrohung - und noetigenfalls der Krieg selbst - einen wesentlichen Bestandteil der Nazi-Politik. Aus der Beweisfuehrung geht jedoch mit Bestimmtheit eher das Bestehen vieler einzelner Plaene hervor, als eine einzige alles solche Plaene umfassende Verschwörung." (Unsere Unterstreichung).

In anderen Worten, der IMG hielt es nicht fuer notwendig zu entscheiden, ob "eine einzige Hauptverschwörung", die sich ueber 25 Jahre erstreckte, als

konkreter Plan zur Kriegsführung" bestanden habe, aber er entschied, dass das Beweismaterial mit Bestimmtheit " die Existenz vieler Einzelpläne" dartue. Bei dieser Entscheidung erklärte der IMG. und das ist bezeichnend - dass die Kriegsdrohung - und notigenfalls der Krieg selbst - einen wesentlichen Bestandteil der Nazi-Politik darstellte."

32. Nicht nur die obigen Teile des IMG-Urteils sondern auch andere Teile daraus bekräftigen diese Haltung der Anklagebehörde. Der IMG betont " die Reorganisation des wirtschaftlichen Lebens Deutschlands fuer militärische Zwecke" als einen lebenswichtigen Teil der deutschen Vorbereitung fuer den Angriff (siehe Urteil, Seite 182 -186). Dass der IMG die Teilnehmer an der wirtschaftlichen Mobilisierung Deutschlands fuer Angriffszwecke als des Verbrechens gegen den Frieden fuer schuldig erachtet ist klar. Die folgende Stelle aus der Urteilsbegründung scheint einen schlussigen Beweis fuer diesen Punkt darzustellen: (S. 252/53)

....." Ein fortgesetztes Planen, das den Angriffskrieg zum Ziel hatte, ist ueber jeden Zweifel hinaus erwiesen worden. Die wahre Lage wurde von Paul Schmidt, dem amtlichen Dolmetscher des deutschen Auswaertigen Amtes, wie folgt treffend geschildert:

"Die allgemeinen Ziele der Nazi-Fuehrung waren von Anfang an augenscheinlich, naemlich die Beherrschung des europaeischen Festlandes. Dies sollte erreicht werden, erstens durch die Einverleibung aller deutschsprechenden Gruppen ins Reich, und zweite durch territoriale Ausdehnung unter dem Schlagwort 'Lebensraum'. Die Durchfuehrung dieser grundlegenden Ziele machte jedoch den Eindruck einer Improvisation. Jeder Schritt erfolgte, wie es den Anschein hatte, jeweils beim Auftauchen einer neuen Sechlage; aber sie waren alle in Einklang mit dem oben erwachten Endziel."

Das Argument, dass ein solch gemeinsames Planen in einer vollstaendigen Diktatur unmoeglich ist, ist nicht ueberzeugend. Ein Plan, an dessen Durchfuehrung eine Anzahl von Personen teilnimmt, bleibt ein Plan, auch wenn er im Gehirn nur einer dieser Personen entstanden ist; und diejenigen, die den Plan ausfuehren, koennen ihrer Verantwortlichkeit nicht dadurch entgehen, dass sie nachweisen, sie haetten unter der Leitung des Mannes gehandelt, der den Plan entwarf. Hitler konnte keinen Angriffskrieg allein fuehren. Er benoetigte die Mitarbeit von Staatsmaennern, militaerischen Fuehrern, Diplomaten und Geschaeftsleuten. Wenn diese seine Ziele kannten und ihm ihre Mitarbeit gewaehrten, so machten sie sich zu Teilnehmern an dem von ihm ins Leben gerufenen Plan. Wenn sie wussten, was sie taten, so koennen sie nicht als unschuldig erachtet werden, weil Hitler sie benutzte. Dass ihnen ihre Aufgaben von einem Diktator zugewiesen wurden, spricht sie von der Verantwortlichkeit fuer ihre Handlungen nicht frei. Das Verhaeltnis zwischen Fuehrer und Gefuehrten schliesst Verantwortlichkeit obensowenig aus, wie bei den vergleichbaren Tyrannenverhaeltnissen, wenn es sich um organisierte innerstaatliche Verbrechen handelt."

Die Verteidigung versucht zu argumentieren, dass der Ausdruck "wenn sie seine Ziele kannten" die Bedeutung hat, "dass sie direkt und persönlich mit bestimmten geheimen Plänen Hitlers in Verbindung standen". Weder die Worte selbst, noch der Zusammenhang, in dem sie vorkommen, noch irgend etwas in IMG-Urteil, koennen eine solche Auslegung rechtfertigen.

33. Die Eroerterung des IMG (S. 213 - 216) ueber die Besitzergreifung Oesterreichs - die in der Anklageschrift vor dem IMG nicht als Angriffskrieg zum Gegenstand der Anklage gemacht wurde - legen ebenfalls die wirkliche Grundlage jenes Urteils bloss und zeigen, dass der Gedankengang der Anklagebehoerde in diesem Fall mit der Theorie des IMG in vollen Einklang steht .
So erklarte der Gerichtshof (S. 213 - 216):

" Der Einfall in Oesterreich war ein erwogener vorbereitender Schritt zur Foerderung des Planes, gegen andere Laender Angriffskriege zu fuehren. Damit war Deutschlands Flanke geschuetzt und die Tschechoslowakei erheblich geschwaecht. Der erste Schritt zur Ergreifung von 'Lebensraum' war getan; viele neue Divisionen ausgebildeter Soldaten waren gewonnen, und durch die Gewinnung auslaendischer Divison-Reserven war das Aufruestungsprogramm bedeutend gestaerkt worden. "

* * * * *

" Vor dem Gerichtshof wurde eingewendet, die Annexion Oesterreichs habe in dem weitverbreiteten Wunsch einer Vereinigung Oesterreichs und Deutschlands ihre Rechtfertigung gefunden, die beiden Voelker haetten vieles gemein, was diese Vereinigung wuenschehaft mache, und schliesslich sei dieses Ziel ohne Blutvergiessen erreicht worden.

Selbst wenn dies alles wahr waere, so wuerde es doch ganz unerblicklich sein, da die Tatsachen klar beweisen, dass die Methoden, deren man sich zur Erreichung jenes Zieles bediente, die eines Angreifers waren. Entscheidend war, dass Deutschlands bewaffnete Macht zum Einsatz fuer den Fall eines Widerstandes bereitstand. "

Und, wie bereits in den Schriftsatz der Anklagebehoerde ausgefuehrt, machte der IMG bei der Eroerterung des Entschlusses, Oesterreich und die Tschechoslowakei in Besitz zu nehmen, die folgenden Bemerkungen ueber die Einstellung Raeders (S. 213) :

" Der Angeklagte Raeder sagte aus, dass weder er, noch von Fritsch, noch von Blomberg geglaubt haetten, Hitler wollte tatsaechlich den Krieg; eine Ueberzeugung, die der Angeklagte Raeder bis zum 22. August 1939 beibehalten haben will. Der Grund fuer diese Ueberzeugung war seine Hoffnung, dass Hitler eine 'politische Loesung' der Probleme Deutschlands erreichen wuerde. Aber genau genommen, bedeutet das nur den Glauben, dass Deutschlands Stellung so gut und Deutschlands bewaffnete Macht so ueberwaeltigend sein wuerden, dass die erwuenschten Gebiete kampflos gewonnen werden koennten. " *

* Die Verteidigung versucht, die Beweiskraft dieser Stelle aus dem IMG-Urteil zu verkleinern, indem sie darauf hinweist, dass der Angeklagte Raeder " einer der fuenf bei der Hossbacher Besprechung von 5. Nov. 1937 anwesenden Fuehrer war. Dass der Angeklagte Raeder

54. Die Haltung, die die Anklagebehörde einnimmt, steht nicht nur mit dem IMG-Urteil in Einklang, sondern die von der Verteidigung vorgeschlagene Stellungnahme wurde bei ihrer Annahme die Entscheidung voellig sinnlos machen. Man braucht nur auseinanderzusetzen, worauf die Stellungnahme der Verteidigung hinauslaeuft, um die Antwort auf die Frage zu haben. Der Verteidigung nach steht es jedermann frei, eine wichtige Rolle beim Aufbau der Kriegsmaschine eines Landes zu spielen mit dem Bewusstsein, dass sie dazu benutzt werden wird, der Bevaelkerung anderer Laender ihr Land, ihr Eigentum oder ihre persoenliche Freiheit zu nehmen; solange nur eine solche Person keiner militaerischen Besprechung beiwohnt, auf der der Einfall in ein bestimmtes Land waechen eines bestimmten Zeitabschnittes beschlossen wird. Wenn Hitler alle diese Angeklagten zu einer formellen Konferenz einberufen und ihnen gesagt haette:

" Baut mir eine Kriegsmaschine auf, sodass ich andere Laender erobern kann; ich kann Euch jetzt nicht sagen, welches Land zuerst drankommen wird oder wann ich anfangen werde; ich weiss es selbst noch nicht bestimmt; so viel kann passieren auf politischen, militaerischen oder sonstigen Gebiet; aber Ihr koennt sicher sein, wir werden kriegen, was wir wollen, und es wird viel Beute zur Verteilung unter uns geben;

dann waere es nach der Ansicht der Verteidigung diesen Angeklagten freigestanden, an diesen Programm in groesstmoeeglichen Umfang teilzunehmen ohne dadurch strafrechtlich verantwortlich zu werden, und zwar lediglich deshalb, weil Hitler ihnen nicht gesagt hatte, welches Land er zuerst angreifen wuerde oder in den Worten des Antrags, solange ihnen nicht "bestimmte" oder "besondere Kenntnis von bestimmten Angriffsplaenen" gegeben worden war.

an dieser Besprechung teilnahm, ist offensichtlich bei der Beurteilung des Gesamtumfangs seiner Teilnahme an der Planung und Fuehrung des Angriffskrieges ein erheblicher Umstand, aber es ist schwer zu sehen, wie es in irgendwelcher Hinsicht die zitierte Stelle aus dem IMG-Urteil (siehe oben) beeintraehtigt.

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Man wird sich erinnern, dass Krauch und von Schnitzler - die den erweiterten IG-Ausschuss Bericht erstatteten - in Dezember 1936 Goering in Hitlers Gegenwart sagen hoerten:

" Die Schlacht, der wir uns nachern, erfordert ein kolossales Mass von Produktionsfaehigkeit. Eine Grenze der Aufruestung ist nicht abzusehen *** Wenn wir gewinnen, wird die Wirtschaft genuegend entschaedigt werden. (Bew. 421) "

35. Die Verteidigung bringt vor : "die Einschränkung des Personenkreises der fuer Verbrechen gegen den Frieden Verantwortlichen von Seiten des IAG ist sehr durch den Umstand gerechtfertigt, dass sonst der Kreis der verantwortlichen Personen praktisch unbegrenzt waere, was auf eine Massenbestrafung hinauslaufen wuerde". Das ist ein Versuch der Verteidigung, die Stellungnahme der Anklagebehoerde vollkommen zu entstellen. Die Anklagebehoerde hat sich nicht fuer einen Plan ausgesprochen, der auf Massenbestrafung hinauslaufen wuerde. Die Auslegung, die die Anklagebehoerde dem Urteil des IAG gibt, und die Theorie, die sie in Bezug auf Verbrechen gegen den Frieden in Uebereinstimmung mit jener Auslegung entwickelt, steht in diametralen Widerspruch zu irgendeiner Theorie der Massenbestrafung. Durch Beschraenkung der strafrechtlichen Verantwortlichkeit auf die Traeger einer wesentlichen Verantwortlichkeit fuer die Begehung von Handlungen, die wichtig sind zur Foerderung der Militaermacht eines Landes zwecks Erreichung der angegebenen Ziele, ziehen wir eine sowohl realistischere als auch engere Grenze um den Kreis der moeglichen Schuldigen als es die von der Verteidigung vorgebrachte Theorie tut. Die Verteidigung versucht, den Kreis der Personen, die zur Verantwortung gezogen werden koennten, dadurch einzuschrænken, dass sie in willkuerlicher und unrealistischer Weise den inneren Tatbestand, der bei diesen Personen vorliegen muss, definiert. Nach dieser willkuerlichen Definition koennte, wenn ein paar Fuehrer eines Landes gewisse Einzelheiten geheimhalten, die Zahl der straffaelligen Personen sehr wohl klein sein - in Wirklichkeit wurden dann moeglicherweise nur eine Handvoll Leute fuer eine Welttragoedie und fuer den Tod von Millionen verantwortlich sein. Wenn aber die Fuehrer diese Einzelheiten verkuenden wuerden, dann wuerden wir in der Tat Massenbestrafungen haben. Angenommen Hitler haette in August 1939 dem deutschen Volke verkuendet, er wuerde Polen in September angreifen, falls gewisse seiner Forderungen auf polnische Gebietsteile nicht erfuellt wuerden. Stellt sich die Verteidigung auf den Standpunkt, dass dies bedeuten wuerde, dass jedermann in Deutschland, der an der Ausfuehrung dieses Programms teilnahm, schuldig sein wuerde? Dadurch, dass die Anklagebehoerde auf die Frage der strafrechtlichen Verantwortlichkeit das Kriterium des Umfangs der Teilnahme und eine vernuenftige Begriffsbestimmung des erforderlichen inneren Tatbestandes - und nicht eine willkuerliche und bedeutungslose Begriffsbestimmung des inneren Tatbestandes - anlegt,

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grenzt die Haltung der Anklagebehörde die Verantwortlichkeit in einer weit-
aus wirksameren und realistischeren Art ab, als es die Haltung der Verteidi-
gung tut.

35. Die wahre Grundlage des IMT-Urteils ist, dass die gesittete Mensch-
heit die Anwendung von Gewalt zwischen Völkern im selben Lichte sieht, wie
die Anwendung von Gewalt zwischen Personen innerhalb der Völker. In alten
Zeiten konnte ein Mensch einem anderen sein Land, sein Eigentum und selbst
sein Leben gewaltsam nehmen, ohne dafür zur Verantwortung gezogen zu wer-
den. Die menschliche Gesellschaft sah ein, dass dies nicht recht sei und,
falls dem nicht Einhalt geboten würde, dies das Ende der menschlichen Ge-
sellschaft bedeuten würde. Und so erklärten die nach dem Gewohnheitsrecht
urteilenden Gerichtshöfe diese Handlungen in Übereinstimmung mit den über-
wiegenden Menschen der Mitglieder der örtlichen Gemeinden für verbrechen-
risch - es gab einen ersten Fall von Raub, einen ersten Fall eines Mordes.
Das Gesetz drückte den Sittenkodex der zivilisierten Gemeinschaften seinen
Stempel auf. Das IMT-Urteil bekennt sich zu denselben Dingen, nur auf welt-
weiter Grundlage. Die Völkergemeinschaft gelangte dazu, die gewaltsame Ent-
wendung von Eigentum durch Angehörige einer Nation von Angehörigen einer
anderen Nation als Unrecht zu betrachten, und sah ein, dass, falls diesen
nicht Einhalt geboten würde, dies das Ende der Zivilisation in der Welt be-
deuten würde. Es ist diese einfache These, für ^{die} die Anklagebehörde hier
kämpft, nichts mehr und nichts weniger. Wir behaupten, dass der IMT sinnlos
ist, wenn er für etwas geringeres als dieses eintreten würde.

Die wahre Grundlage dieses Satzes wird natürlich vernichtet, wenn je-
mand sich der Verantwortung durch den Nachweis entziehen kann, dass er nicht
wusste, wo und wann der erste Angriff stattfinden würde, obwohl er beim Auf-
bau des Kriegesapparates eines Landes eine wesentliche und wichtige Rolle ge-
spielt hatte und von seiner Bestimmung, Land und Eigentum anderer Völker ge-
waltsam zu nehmen, gewusst hatte. Wenn eine Anzahl Männer an einem Unter-
nehmen, eine Reihe von Banken in einer Stadt auszuräumen, teilnehmen sollte,
so könnte kaum gesagt werden, dass einer von ihnen sich der Verantwortung durch
die Behauptung entziehen könnte, es sei ihm, obwohl er an dem Unternehmen teil-
nahm (in Kenntnis dessen, dass Banken ausgeraubt werden würden) nicht mitge-
teilt worden, welche Bank zuerst beraubt und wann der erste Raub zeitlich statt-

finden sollte. Sollte eine Gruppe von Gangstern den Beschluss fassen, eine rivalisierende Bande durch Tötung der meisten ihrer Mitglieder "auszuschalten", so könnte niemand, der sich an solch einem Unternehmen beteiligt, seine Handlungsweise mit der Behauptung verteidigen, er habe nicht ganz genau gewusst, welche An gehörigen der rivalisierenden Bande ermordet werden sollten, oder wer zuerst ermordet werden sollte oder wann die erste Mordtat stattfinden sollte.

B. Die Haltung der Verteidigung steht mit den Grundauffassungen und Vorschriften des Kontrollratsgesetzes Nr. 10, die die Rechtsprechung und das durch diesen Gerichtshof anzuwendende Gesetz regeln, in Widerspruch.

37. Die vorhergehenden Ausführungen zeigen auf, warum die Anklagobehörde der Ansicht ist, dass die Haltung der Verteidigung mit der Entscheidung des IMG im Widerspruch steht und in Falle seiner Aufrechterhaltung diese Entscheidung bedeutungslos machen würde. Uebrigens, selbst angenommen, es könnte behauptet werden, dass das Londoner Statut und die Entscheidung des IMG gewisse Seiten dieses Falles nicht einschliessen, so haben wir es hier mit den Vorschriften des Kontrollratsgesetzes Nr. 10 zu tun. Die Bestimmungen des Kontrollratsgesetzes Nr. 10 sind in mancher Hinsicht weiter gefasst als die des Londoner Statuts, und in dem Ausmasse als sie weiter sind, regeln diese Bestimmungen, und nicht die des Londoner Statuts, die Rechtsprechung dieses Gerichtshofes und das von ihm anzuwendende Gesetz. Die Verteidigung bringt vor, dass die Bestimmungen des Kontrollratsgesetzes Nr. 10 "sich innerhalb der Auslegungsgrenzen des Statuts, wie sie von dem IMG-Urteil angenommen wurden, halten müssen." Es bestehen keine Gründe fuer solch eine Behauptung, und sie kommt tatsaechlich einem gleichzeitigen Angriff auf die Rechtsprechungsgrundlage oben dieses Gesetzes, den dieser Gerichtshof seine Existenz verdankt, gleich. Die Beweisfuhrung, auf Grund der die Verteidigung zu diesem Schluss kommt, geht dahin, dass das Statut des Internationalen Militaergerichtshofes diese Verfahren regelt und dass das Kontrollratsgesetz Nr. 10 insofern als es ueber die Bestimmungen des Statuts wie sie von Internationalen Militaergerichtshof interpretiert worden sind, hinausgeht, ungueltig ist. Die Verteidigung behauptet anscheinend auch, dass selbst wenn der

Kontrollrat fuer Deutschland ermächtigt waere, eine Gesetzgebung zu beschliessen, die Bestimmungen enthaelt, die weiter gehen als das Statut, wie es vom IMG ausgelegt wird, so sind die Vorschriften in den Annahme, in dem sie weitergefasst sind, ex post facto und daher ungueltig. Beide Einstellungen sind unhaltbar.

Ueber die Gueltigkeit des Kontrollratgesetzes Nr. 10.

38. Im Urteil des Militaergerichtshofes III (U.S. gegen Altstoetter und Gen., der Juristenprozess) behandelte der Gerichtshof in ausfuhrlicher Weise die gesetzlichen Grundlagen der Zustaendigkeit dieser Militaergerichtshoeefe und kam zu dem Schluss:

"Wir sind der Ansicht, dass das Recht der vier Maechte, das Kontrollratgesetz Nr. 10 zu beschliessen, gesetzlich begruendet ist und dass der Rechtsprechung dieses Gerichtshofes zusteht, Personen, die als Hauptkriegsverbrecher der europaeischen Achsenmaechte angeklagt sind, zur Rechenschaft zu ziehen. Wir sprechen hier Recht als ein Gericht, das seine Befugnisse und Zustaendigkeit allein aus dem Willen und der Befehlsgewalt der vier Besatzungsmaechte herleitet."

Der Militaergerichtshof Nr. III legte auch dar:

"Da das Statut und Kontrollratgesetz Nr. 10 das Ergebnis eines gesetzgeberischen Aktes seitens einer internationalen Autoritaet sind, folgt notwendig, dass es keine Verfassung irgendeines Staates gibt, die angerufen werden koennte, um die materiellen Bestimmungen einer derartigen voelkerrechtlichen Gesetzgebung ausser Kraft zu setzen. Es kann schwerlich behauptet werden, dass ein Gerichtshof, der seine Existenz und Zustaendigkeit einzig und allein den Bestimmungen eines bestimmten Gesetzes verdankt, die Ausuebung dieser Kompetenz entsetzen koenne und hierauf in dieser Ausuebung begriffen, den Akt als gesundstaelos erklaren, den er seine Existenz verdankt. Ausser als Konstruktionshilfe koennen und duerfen wir nicht ueber das Gesetz hinaus gehen."

Der Gerichtshof bezog sich dann auf die Eroerterungen des IMG in Zusammenhang mit der damals von den Angeklagten vorgebrachten Behauptung, dass ihm der Charakter der ex post facto-Gesetzgebung anhafte und zitierte folgendes aus dem IMG-Urteil:

"Das Statut erklaert das Planen oder Fuehren eines Angriffskrieges oder eines internationalen Vertrags verletzendes Krieges zum Verbrechen und es ist deshalb nicht unbedingt notwendig, zu untersuchen, ob und in wie weit ein Angriffskrieg vor der Ausfuhrung der Londoner Uebereinkommen ein Verbrechen war."

Wenn wir das Kontrollratgesetz Nr. 10 als substantielle Gesetzgebung der vier Besatzungsmaechte Deutschlands ansehen, so bleibt das Argument der Verteidigung zu eroertern, dass das Kontrollratgesetz keine nicht im Statut des IMG enthaltene Elemente neu einfuehren kann.

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39. Wir behandeln an dieser Stelle nicht die Frage der Interpretation oder Auslegung des Kontrollratsgesetzes. Die von der Verteidigung aufgeworfene Frage ist die der Ermächtigung. Soweit wir ihren Einwand verstehen, so sagt sie, dass, als die vier Mächte das Londoner Abkommen vom 8. August 1945 unterzeichneten und das Statut zu einem Teil desselben machten, sie ihre ganze gesetzgeberische Gewalt über Deutschland, was die Prozesse der Hauptkriegsverbrecher betraf, erschöpften und verausgabten, und dass das Statut selbst jedenfalls die Grenzen der Befugnisse des Kontrollrats in dieser Hinsicht festlegte.

40. Es ist nicht nötig, bei dem Punkte zu verweilen, dass der Abschluss des Londoner Abkommens durch die vier Mächte in voller und vollendeter Ausübung ihrer gesetzgebenden Befugnisse über Deutschland geschah. Für die Ausübung der Hoheitsrechte gibt es keine solchen Grenzen. Was den Punkt anbetrifft, dass das Statut eine Beschränkung der späteren Ausübung der Befugnisse des Kontrollrats beabsichtigt, so lässt das Abkommen solch eine Auslegung in keiner Weise zu (und selbst wenn zu dieser Zeit diese Absicht bestanden hätte, so würden die vier Mächte, die durch ihre Vertreter in Kontrollrat tätig sind, den von ihnen selbst geschaffenen Einschränkungen nicht unterliegen).

41. Das Londoner Abkommen vom 8. August 1945 erkennt ausdrücklich an, dass der Kontrollrat für Deutschland auf diesem Gebiete unabhängige Vollmachten besitzt. Artikel I dieses Abkommens lautet:

"Nach Anhörung des Kontrollrats für Deutschland soll ein Internationaler Militärgerichtshof gebildet werden zur Aburteilung der Kriegsverbrecher, für deren Verbrechen ein geographisch bestimmbarer Tatort nicht vorhanden ist."

Die Bestimmung hinsichtlich der Anhörung des Kontrollrats bestatigt die Tatsache, dass die vier Mächte bei Abschluss des Londoner Abkommens nicht beabsichtigten, ihrer eigenen höchsten Regierungs-Körperschaft in Deutschland irgendeine der ihr innewohnenden Machtbefugnisse zu rauben.

42. Dass die vier Mächte diese Ansicht in bezug auf diese Sachlage hatten, wird durch die Bestimmungen des Kontrollratsgesetzes Nr. 10 selbst klar gemacht, das wenige Monate nach der Unterzeichnung des Londoner Abkommens und einen Monat nach der Eröffnung der Prozesse vor dem Militärgerichtshof in Kraft trat. So führt

die Praesambel an, dass das Kontrollratsgesetz nicht nur beschlossen wurde, um die Moskauer Erklaerung, das Londoner Abkommen und das Statut zur Ausfuhrung zu bringen, sondern auch, "um in Deutschland fuer die Strafverfolgung von Kriegsverbrechern und anderen Missetaetern dieser Art - mit Ausnahme derer, die von dem Internationalen Militaergerichtshof abgeurteilt werden, eine einheitliche Rechtsgrundlage zu schaffen." Artikel I sieht auch vor:

"Die Tatsache, dass eine der Vereinten Nationen den Bestimmungen des Londoner Abkommen beitrifft, wie dies in seinem Artikel 5 vorgesehen ist, berechtigt diese Nation nicht, bei der Ausfuhrung des gegenwaertigen Gesetzes in dem Hoheitsgebiet des Kontrollrats in Deutschland teilzunehmen oder in seinen Vollzug einzugreifen."

43. Jedenfalls, selbst wenn das Londoner Abkommen und das Statut, so ueberhaupt anwendbar, als bindend betrachtet werden, so sind deren Bestimmungen offensichtlich auf die zur Eroerterung stehenden Sachlage nicht anwendbar. Der Definition von "Verbrechen gegen den Frieden" und anderen Verbrechen im Statut wird voran gestellt:

"Der, durch das in Paragraphen 1 in Bezug genommene Abkommen, eingesetzte Gerichtshof, zu der Aburteilung der Hauptkriegsverbrecher, der der europaeischen Axis angehoerigen Staaten als Einzelpersonen oder als Mitglieder einer Organisation oder Gruppe eines der folgenden Verbrechen begangen haben; die folgenden Handlungen (oder jede einzelne von ihnen) stellen Verbrechen dar, fuer deren Aburteilung der Gerichtshof zustaeendig ist. Der Taeter solcher Verbrechen soll sich persoenlich verantworten." (Unterstreichungen hinzugefuegt).

Der erwachte Gerichtshof ist der Internationale Militaergerichtshof, bestehend aus vier Mitgliedern (jedes mit einem Stellvertreter), die je von den vier Maechten ernannt werden. Demnach sind die im Statut angegebenen Verbrechen Handlungen, die das Statut der Rechtsprechung des IMG unterwarf. Das Statut beabsichtigt nicht, diese Verbrechen fuer einen anderen Zweck zu definieren und enthaelt sicherlich nicht einmal eine Andeutung, dass die Rechtsprechung anderer Gerichtshoeefe als die des IMG durch solche Definitionen eingeschaenkt werden solle.

Wenn behauptet wird, dass diese besonderen Bestimmungen des Londoner Statuts, die sich nur auf Handlungen beziehen, welche Verbrechen innerhalb der Rechtsprechung des IMG darstellen, hier anwendbar und bindend sind, so kann solch eine Einwendung nur bedeuten, dass der IMG heute zu Gericht sitzen

und ueber Personen verhandeln, ^{sollte} die Verbrechen nach Massgabe des Statuts begangen hatten, und dass das Kontrollratsgesetz Nr. 10 ungueltig ist und dieser Gerichtshof auf ungesetzliche Weise begruendet wurde.

Ueber den "Ex Post Facto Einwand."

44. Die Verteidigung bringt auch vor, dass, wenn das Kontrollratsgesetz Nr. 10 als weitgehender als das Londoner Statut in der Auslegung des IMG interpretiert wird, dies eine "Bestrafung von Verbrechen ohne ein vorher bestehendes Gesetz" bedeuten wuerde. Die Verteidigung ist offenbar der Ansicht, dass das Londoner Statut und der IMG das Voelkerrecht, wie es zur Zeit der Begehung der Verbrechen bestand, vollstaendig kodifiziert haben. Fuer solch eine Behauptung besteht keine Grundlage. Das Londoner Abkommen, von dem das Statut ein Teil ist, wurde am 8. August 1945 und das Kontrollratsgesetz Nr. 10 von den vier Maechten am 20. Dezember 1945 unterzeichnet. Weder das Londoner Statut noch das Kontrollratsgesetz Nr. 10 beanspruchen fuer sich, eine vollstaendige Kodifizierung des damals geltenden Voelkerrechts zu sein, sei es hinsichtlich der Verbrechen gegen den Frieden, Kriegsverbrechen oder Verbrechen gegen die Menschlichkeit. Jedes von ihnen sollte nach den Worten des Chief Justice Stone (Schriftsatz der Anklagebehoerde, Seite 6) sowohl als "Anerkennung der Politik der hoechsten gesetzgebenden Koerperschaft" und "Verkuendigung und Quelle des Rechts als auch als Voraussetzung fuer juristische Gedankengaenge" angesehen werden. Wie wir schon gesehen haben, definierte das Statut solche Verbrechen nur durch eine Verweisung auf die Rechtsprechung des IMG. Die Bestimmungen des ~~Kontrollratsgesetzes~~ Nr. 10 traegen auf Grund der Tatsache, dass sie im Dezember 1945 ~~in das Kontrollratsgesetz Nr. 10~~ einbezogen wurden, nicht staerker den Charakter des ex post facto, als wenn sie im August 1945 in das Londoner Statut einbezogen worden waeren. ^{Selbst wenn wir den Einwand, zulassen wuerden,} dass das Prinzip des ex post facto hier zutrifft, ^{wuerde der einzige Pruefstein} in beiden Faellen der sein, ob diese Bestimmungen mehr darstellen sollen als eine Kodifizierung des Voelkerrechts, wie es zur Zeit der Begehung der Verbrechen in Geltung war. Es besteht keine Ursache dafuer, den Bestimmungen des Statuts als einer Kodifizierung des internationalen Rechts, wie es in den Jahren 1938 und 1939 in Geltung stand, mehr Gewicht zuzumessen, als den Bestimmungen

des Kontrollratsgesetzes, auf Grund dessen dieser Gerichtshof gebildet und tätig ist.

45. Jedenfalls fehlt der ex post facto-Einwendung jede Grundlage, wenn solch ein Einwand auf den Bereich von Verbrechen gegen den Frieden bezogen wird, worauf sich die Anklagebehörde in diesem Prozess stützt. Um den Honorable Henry Stimson zu zitieren: "Die Beschuldigung eines Angriffskrieges ist nur dann nicht stichhaltig, wenn die Voelkergemeinschaft im Jahre 1939 den Angriffskrieg nicht als ein Verbrechen betrachtete. So etwas anzudeuten, würde schon bedeuten, sie abzulehnen. Aggression ist ein Verbrechen, und wir alle wissen es; wir haben es seit Generationen gewusst. Es ist ein so schweres und so abscheuliches Verbrechen, dass wir seine Wiederholung nicht ertragen können." Die Anklagebehörde ist ausser Stande zu glauben, dass die Verteidigung behaupten will, zur Zeit, als die in Frage kommenden Handlungen begangen wurden, habe die Welt die Gewaltanwendung von Angehörigen einer Nation, um das Eigentum von Angehörigen anderer Nationen wegzunehmen, nicht verurteilt, sondern habe nur die Teilnahme an strategischen Zusammenkünften verurteilt, bei denen erörtert wurde, wer zuerst angegriffen werden und wann der Angriff stattfinden sollte.

Die Bestimmungen des Kontrollratsgesetzes Nr. 10.

46. Die Bestimmungen des Kontrollratsgesetzes Nr. 10 sind in den bedeutenden folgenden/Punkten weitergehend als die des Londoner Statuts:

(a) Die Definition der "Verbrechen gegen den Frieden", wie sie in Abs. 1 des Art. II niedergelegt sind, enthält den Begriff "Einfall in andere Länder", der im Statut nicht enthalten war.

(b) Abs. 2 des Art. II enthält die folgenden substantiven Bestimmungen, die nicht in Statut erscheinen: "Ohne Rücksicht auf seine Staatsangehörigkeit oder die Eigenschaft, in der er handelte, wird eines "Verbrechens nach Massgabe von Ziffer 1 fuer schuldig erachtet, wer (a) als Taster oder (b) als Beihelfer bei der Begehung eines solchen Verbrechens mitgewirkt oder es befohlen oder angestiftet oder (c) durch seine Zustimmung daran teilgenommen hat, oder (d) mit seiner Planung oder Ausfuehrung in Zusammenhang gestanden hat, oder (e) einer Organisation oder Vereinigung angehört hat, die mit seiner

Ausfuehrung in Zusammenhang stand, oder (f) soweit Ziffer 1 (a) in Betracht kommt, wer in Deutschland oder in einem mit Deutschland verbuendeten, an seiner Seite kaempfenden oder Deutschland Gefolgschaft leistenden Lande eine gehobene politische, staatliche oder militaerische Stellung (einschliesslich einer Stellung im Generalstab) oder eine solche im finanziellen, industriellen oder wirtschaftlichen Leben innegehabt hat."

47. Der Grund fuer die Einbeziehung des Begriffs "Einfall" in das Kontrollratsgesetz ist offensichtlich. Dies kann nur bedeuten, dass das Kontrollratsgesetz Nr. 10 die Besitzergreifung von Oesterreich und der Tschechoslowakei (auf die die Anklageschrift des IMG mit den Worten "Angriffshandlungen" und "Einfaelle" Bezug genommen aber nicht als "Angriffskriege" zur Last gelegt hatte) in die Definition der Verbrechen gegen den Frieden einschloss. Dies ist dadurch besonders bedeutungsvoll, als es bekraeftigt, dass die Anwendung von Gewalt durch ein Land, um das einem anderen Lande gehoerige wegzunehmen, den Grundpfeiler dessen darstellt, was das Kontrollratsgesetz verurteilt, genauso wie dies schon von der zivilisierten Welt verdammt worden war und spaeter im IMG verdammt wurde.

48. Wenn eine weitere Bestaetigung der Tatsache noetig waere, dass das Kontrollratsgesetz Nr. 10 die Handlungen von Personen, die nicht "hohe Staatsbeamte und militaerische Funktionaere" waren, einschliesst, so wuerde der Abs. 2 des Art. II solch eine Bestaetigung sein. Wie im Schriftsatz der Anklagebehoerde, Seite 7, dargelegt ist, ist aus diesem Absatz besonders klar zu entnehmen, dass das Kontrollratsgesetz Nr. 10 keinen Unterschied zwischen sogenannten "Privatpersonen" und sogenannten "Regierungsbeamten" macht. Wie auch immer die Bestimmungen des Absatzes 2 (f) - was die Frage des Beweismaterials und der Beweisfuehrung anlangt - ausgelegt werden - ob er naemlich die Verpflichtung, mit dem Beweis fortzufahren (im Gegensatz zur Beweislast) verlagert, oder ob er bestimmte Schlussfolgerungen schafft oder lediglich so anzusehen ist, als ob er bestimmte Tatsachen als besonders erheblich ansehen lassen will - es ist schwer einzusehen, wie irgend jemand bezweifeln kann, dass es die Absicht der Verfasser des Kontrollratsgesetzes Nr. 10 ist, sicherzustellen, dass seine Bestimmungen in gleicher Weise anwendbar sind auf Personen, die im

finanziellen, industriellen oder wirtschaftlichen Leben eines Landes hohe Stellenungen bekleiden, wie auch auf Personen, die in Deutschlands politischem, bürgerlichem oder militärischem Leben solche hohen Stellenungen bekleideten.

49. Es kann hier vermerkt werden, dass die Verteidigung an dieser Stelle in ihrem Antrag eine Frage einschaltet dahingehend, ob die Anklagebehörde behauptet, dass ihr die Verpflichtung, die Schuld jedes einzelnen Angeklagten ueber jeden vernuenftigen Zweifel hinaus zu beweisen, nicht obliege. Die Anklagebehörde kann nicht verstehen, warum hinsichtlich dieses Punktes irgendwelche Unklarheiten herrschen sollten. Um jedoch die Sache vollstaendig klarzustellen, stellen wir hier fest, dass sie die Verpflichtung hat und auf sich nimmt, ueber jeden vernuenftigen Zweifel zu beweisen, dass jeder einzelne Angeklagte der ihm in der Anklageschrift zur Last gelegten Verbrechen schuldig ist.

50. Die Bestimmungen des Absatzes 2 des Art. II sind im grossen und ganzen in mancher Hinsicht weitgehender gefasst als die des Statuts. Sie geben diesem Gerichtshof einen Ausgangspunkt, der von dem des IMG verschieden ist. Dieser Gerichtshof ist offensichtlich nicht an die Bestimmungen des Londoner Statuts der IMG-Entscheidung bei der Auslegung dieser Gesichtspunkte des Kontrollratsgesetzes gebunden.

51. Sicherlich wird dieser Gerichtshof als Konstruktionshilfe fuer das Kontrollratsgesetz Nr. 10 (wenn wir annehmen, dass eine Zweideutigkeit darin solch eine Hilfe noetig mache) von der tatsaechlichen Lage, welche Anlass zur Kodifizierung der Verbrechen gegen den Frieden gab, Kenntnis nehmen, naemlich der Tatsache des "totalen Krieges". Es wuerde unserer Erfahrung widersprechen, wenn wir sagten, dass die Vorbereitung fuer einen totalen Angriffskrieg auf eine Handvoll politischer und militaerischer Fuehrer eines Staates beschraenkt ist. Dieser Gerichtshof wird von amts wegen von der Tatsache Kenntnis nehmen, dass die Vorbereitung eines totalen Krieges das ganze Wirtschaftssystem eines Landes, das zu diesem Zwecke Jahre hindurch organisiert werden muss, beruehrt. Selbstverstaendlich konnte eine bewusste Teilnahme an den Vorbereitungen eines totalen Angriffskrieges schon durch ihren Charakter nicht auf eine Handvoll militaerischer oder politischer Fuehrer beschraenkt bleiben.

Schlussfolgerungen.

52. Der Einwand der Verteidigung beruht in vollem U fange auf grund-
sastzlich falschen Auffassungen und auf vollstaendiger Sinnentstellung in
zwei Punkten hinsichtlich der Beschuldigungen in diesem Prozess:

A. Es ist offenbar, dass der IMG, der ja Juristen des Kontinents ein-
schloss, die Auslegung des Begriffes "Verschwoerung", wie sie in der Ankla-
geschrift des IMG zur Last gelegt wird, enger zu fassen beliebte als den Be-
griff der eigentlichen Teilnahme an der Planung, Vorbereitung, des Beginns
und der Fuehrung von Angriffskriegen. Deshalb wurden auch viel mehr der vor
dem IMG Angeklagten nach Anklagepunkt I als nach Anklagepunkt II freigespro-
chen, und deshalb wurden auch viel mehr nach Punkt I als nach Punkt II ver-
urteilt. Die Angeklagten in diesen Prozesse aber nehmen in ihrer ganzen Be-
weisfuehrung an, dass ihre Schuld in gleicher Weise als Schuld nach der An-
klage wegen Verschwoerung in Punkt I der IMG-Anklageschrift zu bestimmen ist;
sie lassen absichtlich die Tatsache ausser acht, dass Punkt I der Anklage-
schrift in diesem Prozess nicht Verschwoerung, sondern vielmehr tatsaechlich
Teilnahme an Planung, Vorbereitung, dem Beginn und Fuehrung von Einfaellen
und Angriffskriegen zur Last legt und weiterhin die Tatsache, dass die "Ver-
schwoerung", wie sie in der Anklage des IMG zur Last gelegt wird, eine be-
sondere Art von Verschwoerung war.

B. Die Angeklagten deuten an, dass, weil gewisse wohlbekannte Nazis nach
Punkt I (und vier nach Punkt II) der IMG-Anklage freigesprochen wurden, die
Angeklagten in diesem Prozess, deren Namen zugegebenermassen nicht so noto-
risch sind, unmoeglich schuldig sein koennen. Es ist jedoch klar, dass blosser
Notorisch-Sein kein Masstab der Schuld hinsichtlich der Begehung von Verbrechen
gegen den Frieden ist. Der einzig geltende Masstab ist der, ob das Beweis-
material das Wissen und die Teilnahme in der vorher beschriebenen Weise fest-
stellt. Zwar hat Julius Streicher als Judenhetzer in Nuernberg viel mehr Be-
ruehmtheit erlangt als Karl Krauch als einer der hervorragenden Kriegsplaene-
macher in Berlin, aber aus Streichers Freispruch nach Punkt I der IMG-Anklage
folgt noch lange nicht, dass Krauch nach Anklagepunkt I oder V der Anklage-
schrift dieses Prozesses freigesprochen werden sollte. Wenn Notorisch-Sein
von Bedeutung waere, so koennte die Anklagebehoerde auf die Tatsache hinwei-
sen, dass die Tuetigkeit der I.G. fuer die Vorbereitung Deutschlands zum Krie-

se weltbekannt war. Es ist jedoch die Art und Bedeutung dieser Tätigkeit und nicht die allgemeine Bekanntheit, welche hier ausschlaggebend ist. Keinen der in IMG-Prozess freigesprochenen Angeklagten konnte nachgewiesen werden, dass er eine Tätigkeit ausübte, die fuer die Aggression so unerlaesslich war wie die, welche die Angeklagten lange Jahre hindurch ausuebten. Und keiner jener Angeklagten war sich ueber Wichtigkeit und Bedeutung seiner Teilnahme mehr in klaren als diese Angeklagten.

53. Die Verteidigung bittet den Gerichtshof um die Feststellung, dass, obwohl eine Teilnahme an einem allgemeinen Plan, ein Land fuer eine Angriffshandlung gegen Nachbarstaaten vorzubereiten, vorliegt, und dass, obwohl sich diese Vorbereitungen ueber einen Zeitraum von Jahren erstreckten, waehrend dessen das Potential, das zur Durchfuehrung der Angriffspolitik notwendig ist, geschaffen wird, trotzdem keine Verantwortlichkeit bei den Personen, die an diesen Vorbereitungen teilnahmen, vorliegt, es sei denn, sie haetten von gewissen Einzelheiten besondere Kenntnis gehabt, einschliesslich der besonderen Kenntnis der jeweiligen Opfer, gegen die diese Macht waehrend eines bestimmten Zeitraumes entfesselt werden sollte. Solch eine Auslegung widerspricht offensichtlich den Bestimmungen des Kontrollratsgesetzes Nr. 10 und wuerde die Aufzaehlung der verschiedenen in Absatz 2 des Artikels II des Kontrollratsgesetzes aufgefuehrten Teilnahmsformen als Tatbestaende strafrechtlicher Verantwortlichkeit, bedeutungslos machen.

54. Wenn die von der Verteidigung geforderte Auslegung, naemlich, dass nur die kleine ausgewahlte Gruppe, die von den einzelnen geplanten Angriffshandlungen auf bestimmte Laender besondere Kenntnis hatte, fuer strafrechtlich verantwortlich gelten soll, richtig ist, dann ist der Versuch der internationalen Gemeinschaft, die Planung, die Vorbereitung und den Beginn von Angriffskriegen und Einfaellen zu verhindern, fehlgeschlagen. Solch eine Auslegung wuerde tragischer sein als ein blosses Eingestaendnis, dass das Recht als Instrument, Angriffskriege zu verhindern, versagt hat. Sie wuerde einer gesetzlichen Gutheissung fuer eine Handlungsweise, die die Planung und Vorbereitung fuer die Fuehrung von Angriffskriegen zum Gegenstand hat, gleichkommen und wuerde in der Zukunft Teilnehmern den Weg zur Straffreiheit zeigen. Sie wuerde zukuenftigen Angreifern aufzeigen, wie sie mit der Planung und Vorbereitung verfahren muessen, um eine persoenliche Verantwortlichkeit der an diesem Unternehmen beteiligten Einzelpersonen zu vermeiden und wuerde notwendigerweise dazu fuehren, dass die Planung so gehandhabt wird, dass nur ein oder zwei Personen fuer das allergroesste internationale Verbrechen verantwortlich waeren. Sollte diese Auslegung angenommen werden, dann waere die Voelkergemeinschaft heutzutage in einer seergeren Lage als vor den Urteil des IMG, und sie muesste gestehen, dass diese Probleme nicht durch das Gesetz geloest werden koennen sondern nur durch Massnahmen der vollziehenden Gewalt am Ende jedes folgenden Krieges.

55. Dieser Angriffskrieg fand tatsächlich statt und wurde von Deutschland nach weitgehenden Plänen und Vorbereitungen begonnen. Der Verteidigung zufolge liegt die Schuld fuer dieses Verbrechen einzig und allein bei der Unzahl Personen, die von dem IIG verurteilt wurden. Fuer die vorliegenden Zwecke brauchen wir die Frage des Ausmasses der Verantwortlichkeit im moralischen Sinne nicht ^{zu} naeher/behandeln. Was die Verantwortung im strafrechtlichen Sinne betrifft, die im Kontrollratsgesetz niedergelegt ist, so besteht seitens der Besatzungsmachte die gesetzgeberische Absicht, diejenigen Personen persoenlich zur Verantwortung zu ziehen, die wesentlich an der Planung und der Vorbereitung dieses Verbrechens Anteil hatten, und der Unterschied zwischen einer wesentlichen Teilnahme mit der erforderlichen subjektiven Einstellung und dem Umstand, dass jemand gerade nur ein Angehoeriger des deutschen Staates ist (der Bauer, der Arbeiter, der Soldat, der Metzger, der ^{IV}Schneider und Handschuhmacher), der zu diesen Vorbereitungen beigetragen hat, stellt die notwendige Unterscheidung dar, die in jedem gerichtlichen Verfahren zur Anwendung kommt. Diese Angeklagten, die, wie das Beweismaterial zeigte, einen so wesentlichen Anteil an der Vorbereitung und Planung hatten, duerfen nicht sagen, dass sie frei ausgehen sollten, damit nicht der einzelne Soldat, der in den Kampf zog, der Bauer, der den Ertrag der Ernte steigerte, um die Truppen zu versorgen und der Arbeiter, der Ueberstunden machte, um Kriegsmaterial zu erzeugen, fuer schuldig erkluert wurden. Diese Angeklagten stehen nicht auf derselben Stufe, wie die oben erwaehten Personen, weder von Standpunkt des Umfangs ihrer Anteilnahme, noch von Standpunkt ihrer Kenntnis dieser Dinge, und das Kontrollratsgesetz beabsichtigt in klarer Weise, Personen auf der Stufe dieser Angeklagten zu erfassen, und zwar wegen des erheblichen Unterschiedes in dem Ausmass ihrer Teilnahme und dem Wissen um das, was sie taten. Wenn der Vorwurf einer persoenlichen Schuld, in Sinne des Kontrollratsgesetzes, erhoben wird, so ist schon die Tatsache, dass solch ein Urteil vom Richter nach dem Prozess gefällt worden soll, ein Unterpfand dafuer, dass eine individuelle Wertung je nach dem Grade der Teilnahme und des Wissens vorgenommen werden wird.

sodass eine generelle Bestrafung nicht erfolgt wurde. Wenn eine generelle Bestrafung durch die alliierten Besatzungsmächte je berücksichtigt worden wäre, dann wäre es nicht nötig gewesen, diese komplizierten Militärgerichtshöfe einzusetzen und diesen Angeklagten in fairer und unparteiischer Weise den Prozess zu machen. Eine generelle Bestrafung liegt weder in der Absicht oder dem Zweck der alliierten Mächte, noch in der des Kontrollratsgesetzes Nr. 10. Es ist die schwächliche Entschuldigung, die von den Angeklagten vorgebracht wird, um sich der Verantwortlichkeit für ihre weltbekannte Teilnahme an der Vorbereitung und der Führung von Einfällen und Angriffskriegen, die ihnen zur Last gelegt wird, zu entziehen.

56. Zur Unterstützung ihrer Ansicht verweist die Verteidigung auf die "höchst bedeutungsvolle Entscheidung des Obersten Gerichtshofes der Vereinigten Staaten im Fall McIntosh". Dieser Prozess behandelte eine Frage der Gesetzesauslegung, nämlich der Naturalisationsgesetze der Vereinigten Staaten - ob der Kongress tatsächlich als Vorbedingung für die Erteilung der Staatsbürgerschaft an einen Fremden die Zusage verlange, dass er für die Verteidigung eines Landes Militärdienst leiste. Jedenfalls wurde dieser McIntosh-Prozess durch den Obersten Gerichtshof der Vereinigten Staaten im Jahre 1946 im Falle Girouard gegen die Vereinigten Staaten (Oktober-Termin 1945, Nr. 572, verhandelt am 4. M. 1946 - entschieden am 22. April 1949) ausdrücklich verworfen. Der Oberste Gerichtshof bemerkte abschliessend: "Die Schwimmer -, McIntosh- und Bland-Prozesse stellen nicht die wahre Gesetzesauslegung dar" und legte auszugswise dar:

"Der Kampf um die Religionsfreiheit stellt einen jahrhundertlangen Versuch dar, die Forderungen des Staates mit den Gewissen der einzelnen Personen in Einklang zu bringen. Der Sieg der Gedankenfreiheit, der in unserer Bill of Rights verankert ist, erkennt an, dass im Bereich des Gewissens eine moralische Kraft herrscht, die die des Staates übersteigt. Durch die Jahrhunderte haben Menschen eher den Tod erlitten, als dass sie ihre Ergebenheit zu Gott der Autorität des Staates unterwarfen. Religionsfreiheit, die im Ersten Zusatz zur Verfassung zugesichert wurde,

stellt die Frucht dieses Kampfes dar. Wie wir kuerslich im Prozess der Vereinigten Staaten gegen Ballard, 322 U.S. 78, 86, sagten, 'bildet die Gedankenfreiheit, welche auch die Religionsfreiheit einschliesst, eine Grundfeste der Gemeinschaft freier Menschen. Board of Education gegen Barnette, 319 U.S. 624.' Der Ueberzeugungseid ist mit unserer Tradition unvereinbar. All die Jahre hindurch hat der Kongress peinlich diese Tradition beachtet und hat selbst in Kriegszeiten versucht, die militaerischen Anforderungen mit den religiosen Skrupeln der einzelnen Personen in Einklang zu bringen. Wir glauben nicht, dass der Kongress beabsichtigte, diese Politik ins Gegenteil zu verkehren, als er naturalisationseid entwarf. Solch eine ploetalische und radikale Abkehr von unserer Tradition sollte nicht angenommen werden."

57. Mit dem Ersuchen, dass der Gerichtshof den Antrag der Verteidigung in Gaenze abweise, moechte die Anklagebehoerde betonen, dass nach ihrer Ansicht dies schon aufgrund dessen geschehen kann, dass dieser Antrag der Entscheidung des Internationalen Militaergerichtshofes widerspricht und, falls ihm stattgegeben wuerde, diese Entscheidung bedeutungslos machen wuerde. Die Behauptungen der Verteidigung hinsichtlich des Kontrollratsgesetzes Nr. 10 stellen jedoch eine scharfe Anfechtung der Zustaendigkeit dieses Gerichtshofes dar und sind auch, abgesehen von den grundlegenden Streitfragen, die durch den Antrag der Verteidigung aufgeworfen wurden, noch aus anderen Gruenden von Bedeutung. Daher haben wir sie hier beantwortet.

TEIL II

ANTWORT AUF DEN ANTRAG DER VERTEIDIGUNG AUF FREISPRUCH VON DER ANKLAGE IN PUNKT II IN BEZUG AUF OESTERREICH UND DIE TSCHOSLOWAKEI

AUSRAUBUNG

1. Die Verteidigung bringt vor, dass das Beweismaterial, das sich auf die als Pluenderung und Ausraubung in Oesterreich und der Tschochoslowakei zur Last gelegten Handlungen bezieht, bedeutungslos sei. Die Verteidigung wendet ein, dass diese Handlungen aus folgenden Gruenden keine Kriegsverbrechen darstellten:

"Nach Ansicht der Verteidigung kann daher prima facie vom Standpunkt des Gesetzes aus ein Pluenderungsfall in einem Land nur dann unter Anklage gestellt werden, wenn sich dieses Land im offenen Kriegszustand mit Deutschland befand, da nur in einem solchen Fall die Regeln ueber die Kriegsfuehrung, wie sie insbesondere in den Artikeln 46, Abs. 2, 53 und 56 der Haager Landkriegsordnung niederlegt sind, auf die sich die Anklage insoweit stuetzt, als verletzt angesehen werden koennen."

2. Es wuerde eine ausreichende Antwort darstellen, wenn wir wiederum darauf hinweisen wuerden, dass der IMG in Bezug auf Boehmen und Maehren, die nie im "formellen Kriegszustand mit Deutschland waren" folgendes erklarte:

"Die Besetzung Boehmens und Maehrens muss daher als eine militaerische angesehen werden, die den Regeln der Kriegsfuehrung unterliegt. Obwohl die Tschechoslowakei kein Mitglied der Haager Konvention von 1907 war, stellen doch die in dieser Konvention enthaltenen Landkriegsregeln das bestehende Voelkerrecht dar und sind daher anzuwenden."
(deutsch S. 378).

Da der IMG die Besetzung Boehmens und Maehrens als eine militaerische Besetzung ansieht, die den Regeln der Kriegsfuehrung unterliegt und, da Boehmen und Maehren nie in "einem formellen Kriegszustand mit Deutschland lagen", steht die Behauptung der Verteidigung, dass ein formeller Kriegszustand eine Vorbedingung fuer den Tatbestand der Ausraubung ist, im klaren Widerspruch zu der Entscheidung des IMG. Es waere tatsaechlich Hohn, wenn der Schutz des Voelkerrechts hinsichtlich Handlungen, die das Eigentum betreffen, sich nur auf diese Nationen erstreckte, die stark genug waeren, einem Angriff zu widerstehen, und dass keine Strafmassnahmen erwartet werden koennten, wenn die Angreifer ohne Widerstand ihre Eroberungen durchfuehrten. Der IMG sprach, als er die Gruende "fuer die Schuld oder Unschuld" des Angeklagten Seyss-Inquart gab, folgendes aus:

"Als Reichsstatthalter in Oesterreich fuehrte Seyss-Inquart die Beschlagnahme juedischen Eigentums durch." (deutsch 371).

(Anmerkung:

Vergl. Par. 7, Teil II, Iluenderung und Ausraubung in vorbereitenden Schriftsatz der Anklagebehoerde ueber eine weitere Erdoertung dieses Punktes.)

Verbrechen gegen die Menschlichkeit.

3. Der Antrag wirft auch die Frage auf, ob Verbrechen gegen die Menschlichkeit im Rechtssinne gegen juristische Personen, z.B. Aktiengesellschaften, begangen werden koennen. Der formal rechtliche Einwand haelt einer genauen Untersuchung nicht stand. Wenn eine Personengruppe aus politischen, rassischen oder religiösen Gruenden ihres Eigentums beraubt wird, so kann es wohl keinen Unterschied machen, ob dieses Eigentum ihnen als Einzelperson gehoerte, oder auf dem Wege ueber eine juristische Person, ob sie es mittelbar oder unmittelbar besaessen und verwalteten, ob in ihrem eigenen Namen oder durch ihren Anteil an Aktiengesellschaften. Die I.G. liess keine Zweifel dieser Art aufkommen, als sie, um den Einkaufspreis herunterzusetzen, die Bemerkung machte, dass, falls kein "Verkauf" an die I.G. stattfinden wuerde, das infrago kommende Unternehmen - eine juristische Person, naemlich, eine Aktiengesellschaft - als "juedisches" Unternehmen Schwierigkeiten haben wuerde. Die I.G. ging damals offenkundig von der Voraussetzung aus, dass nicht die rechtliche Form ins Gewicht falle, sondern die Menschen aus Fleisch und Blut, welche die wirklich interessierten Partner sind. (Bew.St.1089, NI-8588, Buch 53, Seite 71).

4. Da die Anklagebehoerde auch behauptet, dass Ausraubung ein Verbrechen gegen die Menschlichkeit darstellt, so wollen wir nochmals die Behauptung der Verteidigung, dass "Ausraubung nur dann zur Last gelegt werden koenne, wenn dieses Land sich in einem offenen Kriegszustand mit Deutschland befand," in Erwaeigung ziehen. Auch dies ist wieder eine Herausforderung des IMG. Im Prozess gegen den Angeklagten von Schirach legte ihm die IMG-Anklage nur zur Last, dass sein Verhalten in Oesterreich ein Verbrechen gegen die Menschlichkeit darstelle. Der IMG entschied, dass die Besetzung Oesterreichs "ein Verbrechen gewesen sei, fuer das der Gerichtshof zustendig ist" und erkannte

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4. Da die Anklagebehoerde auch behauptet, dass Ausraubung ein Verbrechen gegen die Menschlichkeit darstellt, so wollen wir nachher die Behauptung der Verteidigung, dass "Ausraubung nur dann zur Last gelegt werden koenne, wenn dieses Land sich in einem offenen Kriegszustand mit Deutschland befand," in Erwaeigung ziehen. Auch dies ist wieder eine Herausforderung des IMG. Im Prozess gegen den Angeklagten von Schirach legte ihm die IMG-Anklage nur zur Last, dass sein Verhalten in Oesterreich ein Verbrechen gegen die Menschlichkeit darstelle. Der IMG entschied, dass die Besetzung Oesterreichs "ein Verbrechen gewesen sei, fuer das der Gerichtshof zustaeendig ist" und erkannte

dass die von Schirach im besetzten Oesterreich entfaltete Tätigkeit Verbrechen gegen die Menschlichkeit im Sinne der IMG-Anklageschrift darstelle. (deutsch Seite 360).

5. Angesichts des vom Gerichtshof IV im Falle 5, die Vereinigten Staaten von Amerika gegen Friedrich Flick und Gen., gefällten Urteils moeren gewisse Bemerkungen an dieser Stelle hinsichtlich der vor dem 1. September 1939 begangenen Verbrechen gegen die Menschlichkeit am Platze sein, obwohl solch eine Frage im Antrag der Verteidigung nicht aufgeworfen wurde.

Das Londoner Statut gebraucht in seiner Definition der Verbrechen gegen die Menschlichkeit folgenden Wortlaut:

"in Ausfuhrung oder in Verbindung mit irgendwelchem Verbrechen, fuer das der Gerichtshof zustandig ist."

Die Entscheidung des IMG wird manehmal als Beweis dafuer zitiert, dass diese Worte bedeuten, dass kein Verbrechen gegen die Menschlichkeit, das vor dem 1. September 1939 begangen wurde, in die Zustandigkeit dieses Gerichtshofes falle. Tatsaechlich jedoch war der IMG nicht dieser Ansicht. Bei der Erorterung der allgemeinen Bedeutung dieser Worte legt der IMG folgendes dar: (Seite 285-86):

"Um Verbrechen gegen die Menschlichkeit zu begruenden, muessen die vor Ausbruch des Krieges begangenen und hier herangezogenen Handlungen in Ausfuhrung eines Angriffskrieges oder in Verbindung mit einem der Zustandigkeit dieses Gerichtshofes unterstellten Verbrechen veruebt worden sein. Der Gerichtshof ist der Meinung, dass, so emporend und entsetzlich viele dieser Verbrechen waren, doch nicht hinreichend nachgewiesen wurde, dass sie in Ausfuhrung eines Angriffskrieges oder in Verbindung mit einem derartigen Verbrechen veruebt worden sind. Der Gerichtshof kann deshalb keine allgemeine Erklaerung dahingehend abgeben, dass die vor 1939 ausgefuhrten Handlungen Verbrechen gegen die Menschlichkeit im Sinne des Statuts waren. Aber seit Beginn des Krieges im Jahre 1939 sind Kriegsverbrechen in grossem Umfange begangen worden, die auch Verbrechen gegen die Menschlichkeit waren; und soweit die in der Anklage zur Last gelegten unmenschlichen Handlungen, die nach Kriegsbeginn begangen wurden, keine Kriegsverbrechen darstellen, wurden sie doch alle in Ausfuhrung eines Angriffskrieges oder im Zusammenhang mit einem Angriffskriege begangen und stellen deshalb Verbrechen gegen die Menschlichkeit dar." (deutsch Seite 285-6). Unterstreichungen hinzugefuegt.)

Auf diese Weise wies der IMG ausdrucklich daraufhin, dass Handlungen vor dem "Ausbruch des Krieges" in die Zustandigkeit des Gerichtshofes fallen, wenn bewiesen werden konnte, dass sie in Ausfuhrung oder in Verbindung mit einem der Zustandigkeit des Gerichtshofes unterstellten Verbrechen veruebt wurden. Er erwahnte jedoch, wurden, dass er keine allgemeine Erklaerung dahin abgeben koenne, dass die vor 1939 ausgefuhrten

Handlungen Verbrechen gegen die Menschlichkeit im Sinne des Statuts waren. Insofern jedoch Verbrechen gegen die Menschlichkeit, begangen in Oesterreich waehrend dessen Besetzung, in Frage kommen, so erklarte der IMG ausdrucklich folgendes in Verbindung mit der Verurteilung von Schirach (deutsch Seite 360/61):

"Von Schirach ist nicht der Begehung von Kriegsverbrechen in Wien beschuldigt, sondern nur der Begehung von Verbrechen gegen die Menschlichkeit. Wie bereits erwahnt, wurde Oesterreich in Verfolgung eines gemeinsamen Angriffsplanes besetzt. Seine Besetzung ist daher ein 'Verbrechen, fuer das der Gerichtshof zustendig ist', gemass Artikel 6 des Statuts. Demnach stellen 'Ermoerdung, Ausrottung, Versklavung, Verschleppung und andere unmenschliche Handlungen', sowie 'Verfolgungen aus politischen, rassischen oder religiosen Gruenden in Verbindung mit dieser Besetzung unter diesen Artikel fallende Verbrechen gegen die Menschlichkeit dar.'"

Obwohl von Schirachs Taetigkeit in Oesterreich nach dem 1. September 1939 ausgeuebt wurde, sind die Erwaegungen des IMG hinsichtlich der Verbrechen gegen die Menschlichkeit, die waehrend der Besetzung Oesterreichs begangen wurden, in gleicher Weise auf den Zeitraum der Besetzung Oesterreichs, sowohl vor als auch nach diesem Datum, anwendbar. Demgemass unterliegen selbst nach der Auslegung des Statuts durch den IMG die Verbrechen gegen die Menschlichkeit, die in Oesterreich und der Tschechoslowakei waehrend der Besetzung begangen wurden, der Zustaendigkeit des Gerichtshofes.

6. Ueberdies, wie wir schon ausgefuehrt haben, ist das Kontrollratgesetz Nr. 10 ein wesentlicher Gesetzesakt, der von den vier Besatzungsmachten Deutschlands beschlossen wurde, deren gesetzgebende Gewalt weder durch das Londoner Abkommen noch das Statut beschraenkt ist. Wie wir schon in den Paragraphen 36 bis 44 oben im Einzelnen ausgefuehrt haben: Das Statut beansprucht nicht, solche Verbrechen fuer irgend einen anderen Zweck zu definieren und beansprucht gewiss nicht, auch nur anzudeuten, dass die Zustaendigkeit von anderen Gerichtshoefen, ausser den IMG, durch diese Definitionen eingeschraenkt werden sollen. Die vier Maechte hielten sich daher an ihre Zustaendigkeit, als sie in Kontrollratgesetz Nr. 10 in einer solchen die Einschraenkung auslassenden Weise definierte:

"In Ausfuehrung oder in Verbindung mit einem Verbrechen innerhalb der Zustaendigkeit des Gerichtshofes."

und die Worte duerfen nicht ins Kontrollratsgesetz Nr. 10 hineingekoen werde
Diese Auslegung wurde von Gerichtshof Nr. III in den Prozess der Vereinigten
Staaten gegen Josef ~~Wattstoetter~~ und Gen. Prot. S. 10634, bekraeftigt,
wo der Gerichtshof erkannte:

"Das Beweisverfahren, auf das spaeter zurueckgekommen ist, hat er-
geben, dass gewisse unmenschliche Handlungen laut Anklagepunkt 3
in Durchfuehrung oder in Verbindung mit einem Angriffskriege begangen
wurden, und daher sogar gemasse den Bestimmungen des IMG-Statuts Ver-
brechen gegen die Menschlichkeit waren; es muss allerdings vermerkt
werden, dass das Kontrollratsgesetz Nr. 10 in seinen materiellen Be-
stimmungen von Statut abweicht. Das letztere definiert Verbrechen gege-
n die Menschlichkeit als unmenschliche Handlungen usw. begangen "** in
Ausfuehrung eines Verbrechens oder in Verbindung mit einem Verbrechen
fuor das der Gerichtshof zustaeendig ist **", waehrend in Kontrollrats-
gesetz Nr. 10 die letztzitierten Worte absichtlich aus der Definition
ausgelassen sind." (Unterstreichungen hinzugefuegt.)

Aber selbst wenn wir diese Worte in das Kontrollratsgesetz Nr. 10 hineinlese-
n, so wuerde das Resultat, was die Verbrechen gegen die Menschlichkeit,
die waehrend der Besetzung Oesterreichs und der Tschechoslowakei begangen
wurden, betreffen, das Gleiche sein. Dies wird nach den Bestimmungen des
Kontrollratsgesetz Nr. 10 sogar besser beleuchtet als nach denen des Londoner
Statuts. Verbrechen, "die unter die Zustaeendigkeit des Gerichtshofes fallen",
sind solche, wie sie im Kontrollratsgesetz Nr. 10 naecher bestimmt sind.
Die Durchfuehrung von Einfaellen ist in Sinne des zitierten Gesetzes ein
Verbrechen gegen den Frieden, wie es auch der Beginn und die Fuehrung
von Angriffskriege ist. Dass die Verbrechen, die von den Angeklagten in
Oesterreich und der Tschechoslowakei begangen wurden

" in Ausfuehrung von oder in Verbindung mit "
den Verbrechen des Einfalls in Oesterreich und die Tschechoslowakei veruebt
wurden, ist klar aus dem vorgelegten Beweismaterial zu ersehen.
Auf diese Weise, selbst wenn wir annehmen, dass die Verbrechen gegen die
Menschlichkeit in Sinne des Kontrollratsgesetz Nr. 10 mit irgendwelchen
Verbrechen innerhalb der Zustaeendigkeit dieses Gerichtshofes in Verbindung
stehen muessen, so wird diese Voraussetzung, falls es ueberhaupt eine ist,
unbedingt erfuellt.

7. Man sollte sich auch bei der Betrachtung der Handlungen dieser An-
geklagten in Oesterreich und der Tschechoslowakei vor Augen halten, dass, w-
vor dem IMG (deutsch S. 213) dargelegt wurde:

"Der Einfall in Oesterreich ein erwogener vorbereitender Schritt zur
Foerderung des Planes gegen andere Laender Angriffskriege zu fuehren
war".

Wie auch immer die Entscheidung des IMG ausgefallen waere, wenn die Anklage die Besitzergreifung von Oesterreich als einen Angriffskrieg bezeichnet haette, so ist es doch zumindest klar, dass der IMG die Besitzergreifung Oesterreichs als den Beginn der Angriffshandlungen ansah. Wie wir schon in dieser Antwort ausgefuehrt haben, so stellt das Kontrollratsgesetz Nr. 10 es noch klarer als das Londener Statut heraus, dass die Einfaele in Oesterreich und die Tschechoslowakei den Einfaelen in Polen, Frankreich und andere Laender gleichgestellt werden sollen. Die Tatsache, dass Oesterreich sich ohne einen Schuss ergeben hat, ist vollkommen unwesentlich. Um die Worte des IMG zu zitieren:(deutsch S. 216)

"Entscheidend war, dass Deutschlands bewaffnete Macht zum Einsatz fuer den Fall eines Widerstandes bereitstand".

Es besteht auch wegen der Fassung des Kontrollratsgesetzes Nr. 10 oder wegen des Zwecks dieses Gesetzes kein Grund, Pluenderung in Oesterreich und Pluenderung in der Tschechoslowakei irgendwie unterschiedlich von der in Polen und Frankreich erfolgten, zu behandeln.

TELFORD TAYLOR
Brig. Gen., USA
Chief of Counsel

Josiah E. DuBois, Jr.
Deputy Chief of Counsel, Farben

Drexel A. Sprecher
Chief, Farben Trial Team.

Nuernberg, 5. Januar 1948

Ich, Fred Lax X 046207 bestätige hiernit, dass ich vorschriftsmässig
bestellter Uebersetzer der deutschen und englischen Sprache bin und dass
das Vorstehende eine wahrheitsgemässe und richtige Uebersetzung der
Antwort auf den Antrag der Verteidigung auf einen Freispruch
unter Punkt I und V und von der Anklage in Punkt II in Bezug
auf Oesterreich und die Tschechoslowakei
in Fall Nr. 6

darstellt.

Murnberg, 8. Januar 1948

Fred Lax
X 046207

465
FILED 17 Dec 1947 with
Secretary General
for Military Tribunals
Defense Center

To: American Military Tribunal VI

Nuremberg

Re: Case VI "KRAUCH and others"

MOTION

of the Defense

for

a finding of not guilty.

Nuremberg, December 17, 1947.

May it please the Tribunal:

The undersigned defense counsel through me respectfully ask for permission to file a motion which has been in our minds since several weeks. The Defense think that now a suitable moment has arrived to consider the relevancy of the evidence submitted by the Prosecution.

The general position of the Defense is that the evidence introduced by the Prosecution is from a legal point of view insufficient to bear out the alleged responsibility of the defendants for the entire acts covered by the indictment. Therefore the Defense has considered the possibility to file this motion with regard to all counts of the indictment. The Defense however feel that such a motion embracing all counts of the indictment possibly would involve for the Tribunal a lengthy examination of the vast amount of evidence introduced by the Prosecution, and therefore a proper consideration by the Tribunal of a motion pertaining to all counts of the indictment would require a major delay in the progress of the trial.

The Defense therefore have decided to limit their motion to such points only which, as we respectfully submit, in our opinion do not involve a lengthy examination of the evidence produced by the Prosecution as the irrelevancy of this evidence is derived from legal grounds which clearly appear from the IMT judgment.

For these reasons the Defense will confine their motion to the counts I and V of the indictment (Para 1 - 85 and para 146 and 147) and to the alleged cases of spoliation in Austria and Sudetenland-Czechoslovakia (Para 90 - 96 of the indictment).

After careful consideration the Defense have come to the conclusion that the aforementioned evidence is irrelevant. Therefore we herewith file the following motion:

The undersigned defense counsel respectfully move at this time the Tribunal for a finding of not guilty with respect to the charged and all particulars under counts I and V also with respect to the charges and particulars under count II so far as the alleged Austrian and Czechoslovakian cases of spoliation (Para 90 - 96 of the indictment) are concerned.

On the grounds:

that there is not sufficient evidence to support a finding of guilty as to these particulars and charges.

This motion is in compliance with the established rules and practice of the United States and British courts permitting the Defense to make such motion before the opening of their case. Especially has it been confirmed that such motions are permitted in war crimes cases heard by Military Tribunals.

Reference is made to the Muehldorf Case heard by Military Tribunal Dachau, Germany, on May 13, 1947, Case No. 000/50/136 Dachau, Germany.

Reference is furthermore made to the Manual for Courts-Martial, U.S. Army (XIII, para 71 d, page 56).

As to ordinance No. 7 there is no express provision forbidding such a motion. On the contrary, as a motion of this kind aims at a speeding of the trial it is serving the general idea governing ordinance No. 7 as expressed in Art. VI a, reading as follows:

Quote:

"The Tribunal shall

a) confine the trial strictly to an expeditious hearing of the issues raised by the charges."

End quote.

An expeditious hearing in our humble opinion implies the necessity to consider whether the evidence before the Court is legally sufficient to support a finding of guilty, if a motion is filed by the Defense before the opening of their case.

Therefore the Defense would say that their motion is well within the scope of the provisions of ordinance No. 7.

Should Your Honors be inclined to sustain this motion, the Defense fully realize that in such event they will not have an opportunity to present their own most valuable evidence relating to these charges by which the whole case of the Prosecution would be put in an entirely different light. But it is the intention of the Defense to accept this disadvantage as the Defense bearing in mind their position as officers of the Court feel that they are obliged to do whatever possible to expedite the trial and therefore consider this obliga-

tion more important than the chance to refute the Prosecution's case by producing the defense evidence.

There should be no doubt that the trial will be shortened to a considerable extent, should this motion be sustained by the Court, as the Defense then need not cope with the vast amount of evidence produced by the Prosecution in connection with the charges under counts I and V. The Defense therefore feel that by filing this motion they are contributing in a constructive manner to the speeding of this trial, a subject which has been raised repeatedly in the past weeks.

Now I beg to submit with Your Honors' permission the reasons in support of this motion as briefly as I can:

I. The defendants are indicted to have taken part in planning, preparation, initiation and waging of aggressive wars and invasions (count I), furthermore to have participated as leaders, organizers, instigators and accomplices in the formulation or execution of a common plan or conspiracy to commit crimes against peace (count V).

The Prosecution in establishing the responsibility of the defendants refer to the provisions of Control Council Law No. 10 dated December 20, 1945.

Dealing in the first place with the question which law should be applied when considering the relevancy of the evidence produced with regard to counts I and V, the Defense maintain that this question should be judged under the generally recognized and established rules of international Law as it has been laid down in Article VI a of the Charter of the IMT dated August 8, 1945. In view of the fact that planning and waging of wars of aggression and the participation in a conspiracy for such purpose are crimes against the rules of international law, an examination of these charges must be governed exclusively by these rules. Therefore the IMT in the grounds of their judgment (Vol. I, p. 218) state the following with respect to the legal nature of the aforementioned Charter of August 8, 1945.

Quote:

"The Charter is not an arbitrary exercise of power on the part of the victorious nations, but in the view of the Tribunal, as will be shown, it is the expression of international law existing at the time of its creation; and to that extent is itself a contribution to international law."

End quote.

In this connection the interpretation of this Charter by the IMT in their judgment is of vital importance. It must be assumed that insofar the judgment itself is a contribution to international law and must therefore be taken into account when considering the abovementioned problem.

As to Control Council Law No. 10 on which the indictment is based it must be understood from its introduction that it constitutes only a law giving effect to the aforementioned Charter. Consequently the Defense feel that the interpretation of the provisions of Control Council Law No. 10 regardless of their wording must keep within the limits of the interpretation of said Charter adopted by the IMT judgment. Control Council Law No. 10 has been promulgated on December 20, 1945, whereas the IMT judgment has been pronounced on September 30 / October 1, 1946, respectively. Therefore the IMT judgment rules the interpretation of Control Council Law No. 10. In this connection it is also significant that the IMT bases its judgment exclusively on the provisions of the Charter not referring to the provisions of Control Council Law No. 10 issued pursuant to this Charter.

Now the Prosecution may maintain that Control Council Law No. 10 has been issued by the Four Allied Nations having assumed governmental powers within the area of the former German Reich and therefore the provisions of said law alone are applicable in trials of German War Criminals.

To this argument the Defense would reply that, bearing in mind the fact stressed by the IMT that the Charter is the expression of international law existing at the time of its creating, the provisions of Control Council Law No. 10 issued pursuant to this Charter, in defining the prerequisites of the various offences cannot introduce any elements so far unknown to international law and therefore not dealt with in the Charter. Any opinion contrary to this would be incompatible with the fundamental principle of law - international and domestic - that there can be no punishment of crimes without a preexisting law. The Defense therefore maintain that if there is a discrepancy between the provisions of

Control Council Law No. 10 on the one hand and the Charter and the interpretation thereof by the IMT on the other hand, the latter should be given priority.

The Defense feel that this legal argument should be put at the very outset of the reasons for this motion as the Defense have the impression that obviously the Prosecution try to justify their charges by the wording of Control Council Law No. 10 without taking into account the provisions of the Charter nor the interpretation of said Charter by the IMT. In the first place the Defense would refer to the provisions of Article II, para 2 f, of Control Council Law No. 10 dealing with the responsibility of individuals who have held a prominent position in the financial, industrial or economic life, a provision which the Charter of the IMT does not contain.

Hereby I have already raised the main problem, namely, whether in order to establish the criminal responsibility of the defendants, it is sufficient for the Prosecution apart from introducing evidence on the actual facts of planning, preparing and waging of aggressive war to prove that the defendants have been holding prominent positions in the economic life of Germany. In other words: The question comes up what legal consequences should be attached to the aforementioned provision of Control Council Law No. 10 in absence of a similar provision in the Charter.

The position of the Prosecution is not quite clear. In his Opening Statement (Transcript page 66) General Taylor stated the following: Quote:

"This provision, we believe, is not intended to attach criminal guilt automatically to all holders of high positions, but means rather that legitimate and reasonable inferences are to be drawn from the fact that a defendant held such a position, and places upon him the burden of countering the inferences which might otherwise be drawn."

End quote.

The Prosecution in their Preliminary Memorandum Brief Part I, page 2, however maintain the following: Quote:

"This provision, we believe, is not intended to attach criminal guilt automatically to all holders of high positions. It does require, however, that the fact that a person held such a position be taken into consideration together with all other evidence in determining the extent of his knowledge and participation."

End quote.

The Defense feel therefore that now the Prosecution apparently do not contend anymore that by virtue of the abovesaid provision of Control Council Law No. 10 the burden of proof for their innocence is placed on the defendants. The Prosecution however clearly maintain on page 7 of the aforesaid Memorandum Briefs:

Quote:

"It is quite clear that Control Council Law No.10 recognizes no distinction between "private persons" and "government officials". Paragraph 2 of Article II of Law No.10, in clause (f) after making reference to persons who held "high political, civil or military" positions in Germany, continues by making reference to persons who held high positions "in the financial, industrial or economic life" of Germany. Persons as described unquestionably include individuals such as those defendants."

End quote.

Contrary to this the position of the Defense is that said provision of Control Council Law No.10 should be given no legal weight at all neither in the sense that it limits to any extent the burden of proof being imposed on the Prosecution nor that it warrants the conclusion that no distinction between "private persons" and "government officials" can be recognized when assessing the responsibility for crimes against peace. The Defense derive their opinion from the absence of a similar provision in the Charter and from the grounds of the IMT judgment which clearly indicate that the IMT is limiting the responsibility for crimes against peace to a small circle of the most intimate governmental and military advisors of Hitler. Therefore the position of the Defense is that, apart from the actual facts of participation in the preparation of an aggressive war, the Prosecution has to establish beyond any reasonable doubt on the part of each defendant separately a certain state of mind consisting of a definite knowledge of specific aggressive plans of Hitler.

Should the aforementioned provisions of Article II, para 2 f, of Control Council Law No.10 be applied in their strict wording, this would in the final effect result in convicting all persons who have held a prominent position in the financial industrial or economic life of Germany. As on the other hand the aforementioned provision refers also to such persons who held a prominent political, administrative or military position in Germany, an application of said provision in such a strict sense would have had the result that all defendants in the IMT trial had to be convicted on the charge of preparing and waging of aggressive wars. The IMT

however, as it is shown by its judgment, has acquitted quite a number of defendants of those counts of the indictment and hereby has it made absolutely clear that a verbal application of the provisions of Article II, para 2 f, of Control Council Law No.10 is not in compliance with the principles of international law and that therefore such a strict application of these provisions must be denied. An opposite view would result in the interpretation of the responsibility of ordinary German citizens for crimes against peace in a sense more strict and rigid than the standard adopted by the IMT when assessing the responsibility of the Nazi topleaders, a result which would be incompatible with the principles of justice and fairness.

To bear out the position of the Defense reference is made to the grounds of the IMT judgment referring to the charges "planning, preparation and waging of wars of aggression and participation in a conspiracy with such aims."

In their judgment the IMT has determined in a manner which is binding upon every Tribunal trying War Crimes cases at any later date that the following warfare actions of the German government constituted aggressive wars, covered by the rules of warfare: Poland, Denmark, Norway, Belgium, Holland, Luxemburg, Yugoslavia, Greece, Russia, U.S.A., not including therefore the occupation of Austria, which however was considered by the IMT an aggressive invasion, Sudeten-Czechoslovakia, France and England. The occupation of Bohemia and Moravia has been considered by the IMT a military occupation governed by the rules of warfare.

The Following members of the former Reich Government (Cabinet) were on trial before the IMT: Goering, v.Ribbentrop, Hess, Rosenberg, Frank, Bormann, Frick, Speer, Schacht, v.Papaen, v.Neurath; furthermore the following persons who held high governmental positions and were in close contact with the Reich Cabinet: Kaltenbrunner, Sauckel, v.Schirach, Fritzsche, Seyss-Inquart, Streicher; finally the following persons having been in charge of the supreme military command and therefore belonging to the most intimate advisers of Hitler: Keitel, Jodl, Raeder, Doenitz. In addition the Reich Cabinet as such has been indicted as a criminal organization involved in a conspiracy of waging aggressive wars.

In the first place it should be pointed out that the Reich Cabinet although it was at that time the incarnation and executor of the political will of the German people and therefore from the point of view of international law ought

to have been held responsible for the ultimate political decisions has been acquitted by the IMT of the charge of having been a criminal organization and consequently also of the charge of conspiracy for preparation and waging of wars of aggression. I quote from the grounds of the IMT judgment on page 275/276 Book I the following passage which in the opinion of the Defense have a vital importance as they are in our view decisive when considering the responsibility of these defendants under the charges here in question. Quote:

".....A number of the cabinet members were undoubtedly involved in the conspiracy to make aggressive war; but they were involved as individuals, and there is no evidence that the cabinet as a group or organization took part in these crimes. It will be remembered that when Hitler disclosed his aims of criminal aggression at the Hossbach Conference, the disclosure was not made before the cabinet and that the cabinet was not consulted with regard to it, but, on the contrary, that it was made secretly to a small group upon whom Hitler would necessarily rely in carrying on the war. Likewise no cabinet order authorized the invasion of Poland. On the contrary, the defendant Schacht testifies that he sought to stop the invasion by a plea to the commander in chief of the army that Hitler's order was in violation of the constitution because not authorized by the cabinet."

End quote.

This shows clearly that the IMT has not even convicted all Members of the former Reich Cabinet in their capacity as representatives of the supreme political responsibility under the charges of participation in the preparation and waging of wars of aggression and in a conspiracy with such aim. The IMT has convicted only a limited circle of members of the Reich Cabinet and other high governmental and military functionaries who were in close contact with this cabinet. This follows clearly from an enumeration of those defendants of the IMT trial who have been acquitted of the charges of having committed crimes against peace. Out of the members of the former Reich Cabinet the following were acquitted of said charges:

Schacht,	Minister of Economics,
v. Papen,	former Vice Chancellor and then Reich Plenipotentiary for Austria,
Speer,	Minister for Armament and Munitions,
Frank,	former Reich Minister without Port Folio and Governor General of the occupied Polish territory,
Bormann,	former head of the Party Chancellery and Secretary to Hitler.

The following governmental functionaries have been likewise acquitted of said charges:

Sauckel,	General Plenipotentiary for the Employment of Labor under the Four Year Plan and Joint Organizer with the defendant Ley of the Central Inspection for the Care of Foreign Workers,
----------	--

Kaltenbrunner,	former Chief of the Security Police and Head of the Reich Security Head Office,
Streicher,	former Gauleiter of Franconia,
v. Schirach,	former Reich Youth Leader and Reich Governor and Reich Defense Commissioner of Vienna,
Fritzsche,	Head of the Press and Radio Division of the Propaganda Ministry.

The following Members of the former German Reich Cabinet have been acquitted of the charge of participating in a conspiracy to prepare and wage aggressive wars whereas they have been found guilty on the charge of participating in the planning, preparing and waging of specific aggressive wars:

Frick,	former Reich Minister of the Interior,
Funk,	former Reich Minister of Economics,

The following governmental respectively military functionaries have been acquitted to the same extent:

Seyss-Inquart,	former Austrian Minister of Security and Interior,
Doenitz,	former Commander in Chief of the German Navy and Head of the State succeeding Hitler.

Hereby the IMT has made it quite clear that the criminal responsibility for the preparing and waging of the aforementioned aggressive wars has to be restricted to a specific limited circle of men. In designating these men - and this is of decisive importance as to the question to be discussed in this trial - the IMT did not let itself be governed by the positions held by these men nor by the importance of their tasks within the scope of the German rearmament and consequently of the preparation and waging of aggressive wars. Otherwise all the abovementioned acquitted defendants ought to have been convicted, it being unquestionable that seen from an objective point of view, for example, men like Schacht, Speer, Papen, Sauckel and others have contributed in a most important manner to the strengthening of the German war potential before respectively after the outbreak of the aggressive wars.

Contrary to this, the IMT in assessing the criminal responsibility is basing its decision exclusively on the individual state of mind of the defendants to wit the knowledge of the defendants of specific aggressive plans of Hitler which he revealed at certain secret meetings to his closest advisers, these meetings

of Hitler having taken place on November 5, 1937, May 23, 1939, August 22, 1939 and November 23, 1939. Reference is made to the IMT judgment (Book I, page 188).

Quote:

"Evidence from captured documents has revealed that Hitler held four secret meetings to which the Tribunal proposes to make special reference because of the light they shed upon the question of the common plan and aggressive war.

These meetings took place on the 5th November 1937, the 23rd of May 1939, the 22nd of August 1939, and the 23rd of November 1939.

At these meetings important declarations were made by Hitler as to his purposes, which are quite unmistakable in their terms".

End quote.

The reasons on which the IMT is basing its decision in this respect are shown clearly by a brief survey of several arguments adduced in the IMT judgment in support of the acquittal of certain defendants of the charges here in question. I quote from the grounds of the judgment regarding the defendant Schacht (Book I, page 308):

"It is clear that Schacht was a central figure in Germany's rearmament program, and the steps which he took, particularly in the early days of the Nazi regime, were responsible for Nazi Germany's rapid rise as a military power. But rearmament of itself is not criminal under the Charter. To be a crime against peace under Article 6 of the Charter it must be shown that Schacht carried out this rearmament as part of the Nazi plans to wage aggressive wars

"He was clearly not one of the inner circle around Hitler which was most closely involved with this common plan."

I quote from the grounds of the judgment regarding the defendant von Papen (Book I, page 327):

"The evidence leaves no doubt that von Papen's primary purpose as Minister to Austria was to undermine the Schuschnigg regime and strengthen the Austrian Nazis for the purpose of bringing about Anschluss. To carry through this plan he engaged in both intrigue and bullying. But the Charter does not make criminal such offenses against political morality, however bad these may be. Under the Charter von Papen can be held guilty only if he was a party to the planning of aggressive war. There is no evidence that he was a party to the plans under which the occupation of Austria was a step in the direction of further aggressive action

End quote.

I quote from the grounds of the judgment regarding the defendant Speer (Book I, page 330):

"The Tribunal is of opinion that Speer's activities do not amount to initiating, planning or preparing wars of aggression, or of conspiracy to that end. He became the head of the armament industry well after

all of the wars had been commenced and were under way. His activities in charge of German armament production were in aid of the war effort in the same way that other productive enterprises aid in the waging of war; but the Tribunal is not prepared to find that such activities involve engaging in the common plan to wage aggressive war as charged under count one or waging aggressive war as charged under count two."

End quote.

I quote from the grounds of the judgment regarding the defendant Fritzsche (Book I, page 337):

"Never did he achieve sufficient stature to attend the planning conferences which led to aggressive war; indeed according to his own uncontradicted testimony he never had even a conversation with Hitler. Nor is there any showing that he was informed of the decisions taken at these conferences. His activities cannot be said to be those which fall within the definition of the common plan to wage aggressive war as already set forth in this judgment."

End quote.

I quote from the grounds of the judgment regarding the defendant Bormann (Book I, page 339):

"The evidence does not show that Bormann knew of Hitler's plans to prepare, initiate or wage aggressive wars. He attended none of the important conferences when Hitler revealed piece by piece those plans for aggression."

End quote.

I quote from the grounds of the judgment regarding the defendant Streicher (Book I, page 302):

"Streicher was a staunch Nazi and supporter of Hitler's main policies. There is no evidence to show that he was ever within Hitler's inner circle of advisers; nor during his career was he closely connected with the formulation of the policies which led to war. He was never present, for example, at any of the important conferences when Hitler explained his decisions to his leaders."

End quote.

To complete the picture the following passages from the IMT judgment may be quoted additionally (Book I, page 225):

"The Tribunal must examine whether a concrete plan to wage war existed, and determine the participation in that concrete plan."

"But the evidence establishes with certainty the existence of many separate plans rather than a conspiracy embracing them all."

"This discretion is a judicial one and does not permit arbitrary action, but should be exercised in accordance with well-settled legal principles, one of the most important of which is that criminal guilt is personal, and that mass punishments should be avoided."

End quote.

Summarizing the abovementioned quotations from the IMT judgment the

Defense hold that the following conclusions may be drawn as to the responsibility for the preparation and waging of aggressive wars:

In the opinion of the IMT which is binding on other Tribunals there existed no single conspiracy of the leading personalities of the former German Reich with the general aim to wage aggressive wars, or as the Prosecution styles it on page 9 and 10 of their Preliminary Memorandum Brief Part I: Quote:

"for the purpose of carrying out a national policy of aggrandizement."

End quote.

On the contrary the IMT assumes the existence of separate plans.

In the opinion of the IMT a conviction on a charge of a crime against peace can be based exclusively on a special knowledge of specific aggressive plans of Hitler and on a direct participation in the elaboration of such plans. The IMT therefore does not rest its decision on the so-called common knowledge of the German people as to the possibility of Hitler's waging aggressive wars but on the special knowledge of a very limited circle of his most intimate advisers, who participated in certain secret meetings.

In flat contradiction to these clearly and precisely established principles which alone can be considered a reliable standard for the determination of personal criminal guilt, the Prosecution on page 9 and 10 of their Preliminary Memorandum Brief Part I introduce a definition of a crime against peace which is so vague that its application would most certainly result in a mass punishment of the German people contrary to the abovequoted passage of the grounds of the IMT judgment which requires that criminal guilt must be personal and mass punishment avoided.

I quote from the Brief of the Prosecution page 9:

"Scope of Crimes against Peace. Without attempting an all-inclusive definition of what is covered under Crimes against Peace in Control Council Law No. 10, it is submitted that under the principles of international law and the provisions of Control Council Law No. 10 Crimes against Peace comprehend at least the following:

Any person without regard to nationality or the capacity in which he acted commits a crime against peace if he participates in furthering the military power of a country, knowing that such military power will be used, or is being used for the purpose of carrying out a national policy of aggrandizement to take from the peoples of other countries their land, their property, or their personal freedoms.

Participation by the defendants in Crimes against Peace:

It is not necessary to define precisely what constitutes and what

does not constitute participation in furthering a country's military power for the purposes indicated. It is sufficient here to state that anyone who bears a substantial responsibility for conducting activities which are vital to furthering the military power of a country "participates" within the meaning of this definition."

End quote.

I quote from the Brief of the Prosecution page 10:

"State of mind.

This is the knowledge that such military power will be used for the purpose of carrying out a national policy of aggrandizement to take from the peoples of other countries their land, their property, or their personal freedoms. It is sufficient if there exists the belief that although actual force will be resorted to if necessary, such purpose will be accomplished by using the military power merely as a threat."

End quote.

The position of the Defense is that this definition of the Prosecution is in contradiction to the opinion of the IMT and therefore not in accordance with the principles of international law. It is sufficient in this respect to point out once more to the acquittal of the charge of a crime against peace of sub. men belonging to the group of leading personalities of the German public life as Schacht, Sauckel, Speer, Papen, Fritzsche, Frank, Bormann, Kaltenbrunner, Streicher, Schirach.

This fact alone sufficiently proves that the definition of a crime against peace introduced by the Prosecution is entirely wrong and contrary to the principles of international law as interpreted by the IMT. Even the defendant Raeder whose conviction on the charge of a crime against peace by the IMT is adduced by the Prosecution in support of their position (vide footnote on page 10 of the Prosecution's Brief) cannot be regarded as an example proving the correctness of this theory. For if the Prosecution would have read more carefully the grounds of IMT judgment they would have undoubtedly found on page 315, Book I, the following significant passage concerning this defendant: Quote:

"He was one of the five leaders present at the Hossbach Conference of 5 November 1937."

End quote.

Therefore the defendant Raeder participated at least in one of the secret conferences, which according to the IMT were decisive for the knowledge of a few close advisers of Hitler's aggressive plans.

The limitation of the persons responsible for crimes against peace by the

IMT is well justified by the fact that otherwise the scope of responsible persons would practically be unlimited, which would result in mass punishment. For if the Prosecution, for example, submit in this trial that the war could not have been waged without the support of I.G., it can just as well be said that the war could not have been waged without the support of all other German firms connected with the rearmament, moreover not without the support of the mining companies, of the farmers, of the General Staff (which has been acquitted in the IMT trial of the charge of being declared a criminal organization which implies the charge of conspiracy for the preparation and waging of aggressive wars.) Neither could the war have been waged without the support of the economic agencies of the Reich supplying the economic prerequisites for the war planning, last not least not without the support of the soldiers and workers who through their efforts helped to prepare and to wage the war. The essence of a legal rule is its uniform application to all people whom it concerns if the ends of justice are to be met. If therefore the contribution as such to the rearmament before and after the outbreak of the aggressive wars is taken into consideration only, then this would logically imply the responsibility of all the abovementioned groups of the German population. Therefore a reasonable limitation of the responsibility is possible only on the basis of the state of mind to wit of the special knowledge which the IMT without having recourse to the principle of common knowledge, imputes to a small circle of the highest governmental and military functionaries. This in effect confirms the statement of the French Chief Prosecutor in the IMT trial, François de Menthon, which he made in his address held during the morning session of January 17, 1946 (transcript page 2892): I quote:

"one cannot, of course, deduce from the preceding the individual responsibility of all the perpetrators of acts of violence. It is obvious that, in an organized modern state, responsibility is limited to those who act directly for the state, they alone being in a position to estimate the lawfulness of the orders given. They alone can be prosecuted and they must be prosecuted."

End quote.

Reference is also made to the highly significant decision of the Supreme Court of the United States in the *Mac Intosh Case* rendered on May 29, 1931 (vide *Lauterpacht Annual Digest of Public International Law Cases*). In said case a

Canadian professor of theology in applying for the United States citizenship. He stated that he would sign the declaration of allegiance on the condition only that he may reserve the right to decide whether a war started by the United States was just or unjust. He said that he would not assume the liability to participate in a war which in his opinion was unjust. In the first instance his action was dismissed. The Court of Appeals decided in his favour on the ground that the international law makes a difference between a just and unjust war as appears from the Kellogg-Pact. The Supreme Court passed a judgment against him on the ground that - apart from the case of the conscientious objector - no US citizen is entitled to refuse his moral or armed support if in his opinion a certain war was unjust. He therefore could not reserve the right to make a specifically political decision as to the character of such a war.

The Defense feel that this important judgment of the Supreme Court passed several years after the conclusion of the Kellogg-Pact strongly confirms the opinion that on a charge of having committed a crime of such a purely political significance as a crime against peace only the highest governmental or military functionaries or such persons can be convicted who were directly connected with the intimate conferences and plannings concerning such aggressive warfare actions.

If the Prosecution refers on page 7 of their Preliminary Memorandum Brief Part I to the passage in the grounds of the IMT judgment Vol.1, page 252, speaking of the businessmen being punishable if they, with knowledge of Hitler's aims, gave him their cooperation, this does not prove anything to the contrary. Because "with knowledge of Hitler's aims" can have here no other meaning than in the case of the high governmental and military functionaries, who appeared before the IMT, to wit: being directly and personally connected with certain specific secret plannings of Hitler.

I.
In applying the foregoing principles to the counts of the indictment here in question, the following conclusions may be drawn:

As already mentioned before, the provision of Article II 2 f of Control Council Law No.10 regarding the responsibility of industrial leaders cannot be applied without discretion in such a manner as to make responsible for the preparation and waging of aggressive wars any industrial leader on account of his

position only. Therefore the guilt of the industrial leaders must be assessed by the same standard as applied by the IMT in the case of the members of the former German Reich Cabinet and of other governmental respectively military functionaries.

Therefore there is not the slightest reason to treat the defendants in a manner more strict and rigid than adopted in the case of the Nazi top-leaders before the IMT.

This however in our opinion would result in a finding of not guilty of the defendants under count I and V of the indictment.

The Prosecution has introduced no evidence whatsoever for a participation of the defendants in the secret plannings of Hitler nor in any specific common planning or conspiracy to wage an aggressive war. In the opinion of the Defense all the defendants knew less, - but in any case none of the defendants knew more about the general German policy and specific plans of Hitler than men like Schacht, Papen, Speer, Fritzsche, Frank, Bormann, Kaltenbrunner, Streicher, Schirach, who were acquitted by the IMT of the charge of having committed crimes against peace. All these men were undoubtedly by far more closely connected with Hitler and his policy than any of the defendants. Undoubtedly all these men had knowledge of the facts or at least of most of the facts mentioned on page 76 - 103 of the Preliminary Memorandum Brief Part I which the Prosecution adduce in support of their allegation that the defendants had a guilty mind as to the crimes charged under count I and V of the indictment. All these men served the moral, economic or military strengthening of the German war potential before resp. after the outbreak of the war. They therefore played an important part in the furthering of the military power of Germany.

If therefore these men have been nevertheless acquitted by the IMT of the charge of having committed crimes against peace then in our humble opinion there can be no doubt whatsoever that these defendants cannot be treated differently, because they too had not the intimate knowledge of Hitler's secret aggressive plans and were personally not connected with these plannings. Therefore the entire evidence introduced by the Prosecution under count I and V can be left aside, as no piece of evidence relates to the knowledge of the defendants of those secret plannings and their participation therein.

It can well be said that the tragic irony of this trial is the former gigantic scope of business of I.G., and the defendants have almost daily experienced in the course of the Prosecution's case that this fact again and again was advanced to bear out the incriminations under count I and V of the indictment. Therefore the greatest amount of evidence relates to the structure, the scope of business and the vast production of I.G.

However let us bear in mind what the IMT said when acquitting Schacht of the charge of having committed crimes against peace: Quote:

"But rearmament of itself is not criminal under the Charter"

End quote.

Summarizing therefore it can be said that the entire evidence introduced by the Prosecution on the part which I.G. played in the military and economic war preparation of Germany can be left completely aside and is irrelevant as long as the Prosecution has not proved the special knowledge required by the IMT of Hitler's secret aggressive plan and the direct participation in these plannings by the defendants.

The same applies to the evidence introduced by the Prosecution on the alleged weakening of the war potential of other countries by I.G., the alleged propaganda and espionage activities of I.G. abroad, the alleged camouflage by I.G. of their assets abroad, the alleged spoliation of public and private property in the occupied territories, and the alleged participation in the slave labor program as a form of contribution to the German war potential after the outbreak of the war.

As to the state of mind of the defendants neither the testimony of the witness Paul Otto Schmidt in the session of October 2, 1947, -which besides has not even established any proof of a common knowledge by the German people of Hitler's aggressive plans- nor the statement of the defendant Georg von Schnitzler mentioned under para 64 of the indictment nor the participation of the defendant Schnitzler and Krauch in the meeting held by Goering on December 17, 1936, three years before the outbreak of the war, alleged under para 28 of the indictment warrant the conclusion as to a special knowledge by the defendants of specific aggressive plans of Hitler and as to their participation in such plannings. Nor can it be considered as sufficient proof in this

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by the Prosecution in support of count I of the indictment is irrelevant and respect if the Prosecution try to establish the alleged alliance of I.G. with the Nazi regime (para 4 of the indictment). In this respect the following passage from the grounds of the judgment of IMT concerning the legal aspect of the conspiracy in section V may be quoted (page 225, Vol. I) :

"The Prosecution says, in effect, that any significant participation in the affairs of the Nazi party or government is evidence of a participation in a conspiracy that is in itself criminal. Conspiracy is not defined in the Charter. But in the opinion of the Tribunal the conspiracy must be clearly outlined in its criminal purpose. It must not be too far removed from the time of decision and of action."

End quote.

The attempt of the Prosecution to implicate the defendants in respect of a participation in waging aggressive wars must also fail according to the IMT judgment because the defendants had no knowledge of specific aggressive plans of Hitler nor participated therein, the production of war materials as such not constituting a participation in such plannings. Therefore the contribution of I.G. to the strengthening of the German war potential after the outbreak of the aggressive wars cannot be considered as a criminal participation in the waging of aggressive wars as clearly results from the grounds of the IMT judgment concerning the acquittal of the responsible Minister for Armament and Munition. The charge of a crime against peace.

I quote once more:

"His activities in charge of German armament production were in aid of the war effort in the same way that other productive enterprises aid in the waging of war; but the Tribunal is not prepared to find that such activities involve engaging in the common plan to wage aggressive war as charged under count one or waging aggressive war as charged under count two."

End quote.

For all these reasons the Defense feel that the evidence introduced by the Prosecution in support of count I of the indictment is irrelevant and therefore the defendants on legal grounds may move for a finding of not guilty as to said charge.

The same applies to count V of the indictment all the more as the Prosecution has not introduced any evidence bearing out the allegation that the defendants participated in a concrete common planning or conspiracy to wage aggressive wars.

In their Preliminary Memorandum Brief, Part V, page 3, the Prosecution allege that these defendants over a period of years planned and conspired among themselves and with other persons to carry on the activities described in Part I, II and III of the Brief, said conspiracy which the Prosecution style as "Farben conspiracy" being also in furtherance of the Nazi conspiracy to commit crimes against peace found by the IMT. Apart from this the Prosecution allege that the defendants were also parties to the Nazi conspiracy to commit crimes against peace.

However the Prosecution has not introduced a single piece of evidence bearing out these entirely vague allegations and it is highly significant that contrary to the other parts of the Prosecution's Brief not a single exhibit number is quoted in Part V of said Brief dealing with the conspiracy.

Let us bear in mind what the IMT stated with regard to the pre-requisites of the conspiracy: Quote:

"The Tribunal must examine whether a concrete plan to wage war existed and determine the participation in this concrete plan.
..... In the opinion of the Tribunal the conspiracy must be clearly outlined in its criminal purpose. It must not be too far removed from the time of decision and of action."

End quote.

The statement of the Prosecution definitely lacks any reference to such concrete plan and the defendants' participation therein. No reference is made to any facts bearing out the allegation that the criminal purpose of such plan was clearly outlined.

The position of the Defense therefore is that the defendants may move for a finding of not guilty on the charge under count V of the indictment.

It may be worth while to point out that in accordance with the opinion of the Defense in this case the Prosecution in Case No. V "Flick and Others" pending before the Nuernberg Tribunals has not indicted the defendants for the preparation and waging of aggressive wars nor for a conspiracy with such aims.

IV. As far as the cases of alleged spoliation in Austria and Sudeten-Czechoslovakia under count II of the indictment are concerned, the position of the Defense is that the evidence introduced by the Prosecution is also irrelevant.

Under Article 6, para c, of the Charter and Article II, 1 c, of Control Council Law No.10 dealing with crimes against humanity, offenses against property and, consequently, plunder or spoliation are not mentioned contrary to Article 6, para b, of the Charter and Article II, 1 b, of Control Council Law No.10 dealing with war crimes.

It is the position of the Defense therefore that prima facie from a legal point of view an act of spoliation in a country can be charged only if this country was engaged in open warfare with Germany because only in such case the rules of warfare as laid down especially in Article 46, para 2, Article 53 and Article 56 of the Hague Convention, on which the Prosecution base their charge, can be considered having been violated.

There can be in our opinion no doubt that the omission of the act of spoliation in the enumeration of offenses in Article II, 1 c, of Control Council Law No.10 is no casual one as this paragraph follows immediately paragraph b) -war crimes- in which the offenses against property and the spoliation are expressly mentioned.

The Defense cannot agree with the opinion of the Prosecution as expressed on page 11 of their Preliminary Memorandum Brief, Part II, that the alleged acts of spoliation in Austria and Sudeten-Czechoslovakia can be charged as crimes against humanity, because as the Prosecution maintain they were connected with persecution on political, racial or religious grounds.

The Defense definitely cannot follow this somewhat sophistical attempt of the Prosecution to bring Article II, 1 c, dealing with crimes against

humanity into play. In the first place it should be noted that the partners of I.G. to the Austrian and Czechoslovakian dealings which the Prosecution style as acts of spoliation were juridical persons, namely joint-stock companies. It appears however from the wording of Article II, 1 c, of Control Council Law No.10 that the offenses enumerated therein can be committed only against individual persons. But apart from that the Prosecution has not introduced any evidence bearing out the fact that the transfer of shares or plants to I.G. in those cases constituted in itself a persecution on political, racial or religious grounds.

Therefore the Defense maintain that, providing the facts are established, the transactions in Austria and Sudeten-Czechoslovakia can be charged as acts of spoliation from a legal point of view, only if they constitute war crimes in the meaning of the provisions of the Hague Convention. The Prosecution is well aware of the fact that the occupation of Austria and Czechoslovakia were not aggressive wars and that therefore the provisions of the Hague Convention if understood according to their strict wording do not come into play in such cases. The Prosecution however by referring to certain passages in the IMT judgment maintain on page 5 and 6 of their Preliminary Memorandum Brief, Part II, that the IMT ruled nevertheless the applications of said Convention in both cases as they constituted acts of aggression respectively military occupation.

In the case of Austria the IMT as appears from the grounds in the case of the defendant Schirach (page 318 bottom) has made no indication to this effect, dealing in the case of Schirach with crimes against humanity only, consisting of a participation in acts of deportation. It is true that Schirach was not charged in the case of Austria with war crimes by the Prosecution. However the Defense is convinced that the Prosecution in the IMT case who undoubtedly had very carefully considered their indictment have abstained for good reasons from charging the defendant Schirach with having committed war crimes in Austria. There can be no doubt that the Austrian population could not be considered an enemy population at that time. The existence of an enemy population is however an essential feature of a war crime.

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As to Czechoslovakia the Prosecution quotes the following passage from the grounds of the IMT judgment:

"The occupation of Bohemia and Moravia must be considered a military occupation covered by the rules of warfare." (S. 334).

This passage clearly pertains to Bohemia and Moravia only and not to Sudeten-Czechoslovakia for the obvious reason that the occupation of Sudeten-Czechoslovakia was covered by the Munich Pact. If the Prosecution on page 6 of their Preliminary Memorandum Brief maintain that no German citizens can derive any rights or privileges therefrom because Hitler never intended to adhere to the Munich Agreement, it is overlooked that at the time when the Aussig-Falkenau dealings were completed -namely before the occupation of Bohemia and Moravia- the defendants could not have any knowledge of such intentions of Hitler and therefore were not aware of the fact that they acted in a country which was occupied on the basis of an international agreement, the violation of which was aimed at by one partner thereto. No evidence of such knowledge on the part of the defendants has been presented by the Prosecution and therefore the Prosecution has not offered proof of a guilty mind of the defendants, to wit of any knowledge that they were violating the laws and usages of war.

Aussig-Falkenau being situated at that time in Sudeten-Czechoslovakia and no acts of spoliation being charged with regard to the territory of Bohemia and Moravia, the Prosecution therefore has not established a war crime in the Aussig-Falkenau case.

Apart from all this a prima-facie case of a punishable offense in Austria and Sudeten-Czechoslovakia has not been established by the Prosecution, even if contrary to the position of the Defense it should be assumed that the perpetration of war crimes was possible from a legal point of view in said areas. Even in such case the Prosecution would not have made out their case because they have not offered any evidence on the knowledge of the defendants that Austria and Sudeten-Czechoslovakia were occupied pursuant to a common plan of aggression, as the IMT states it (page 318). Such knowledge however would be an essential feature of guilt on the part of the defendants who can commit war crimes only if they know that they are violating the rules of war, which

presupposes the knowledge that such rules come into play after all.

Summarizing therefore the position of the Defense is that the evidence offered by the Prosecution in the cases of alleged spoliation in Austria and Sudeten-Czechoslovakia does not bear out this specific charge and therefore the defendants may apply already at the present moment for a finding of not guilty.

For the defendant CARL KRAUCH:

H. G. H. H.

For the defendant HERMANN SCHMITZ:

R. Dix

For the defendant GEORG VON SCHNITZLER:

Liemes.

For the defendant FRITZ GAJEWSKI:

H. J. J. J.

For the defendant HEINRICH HOERLEIN:

H. H. H. H.

For the defendant AUGUST VON KNIERIEM:

H. K. K. K.

For the defendant FRITZ TER MEER:

B. M. M. M.

For the defendant CHRISTIAN SCHNEIDER:

H. S. S. S.

For the defendant OTTO AMBROS:

M. A. A. A.

For the defendant ERNST BUERGIN:

E. B. B. B.

For the defendant HEINRICH BUETEFISCH:

H. B. B. B.

For the defendant PAUL HAEFLIGER:

H. H. H. H.

For the defendant MAX ILGNER:

M. I. I. I.

For the defendant FRIEDRICH JAEHNE:

F. J. J. J.

For the defendant HANS KUEHNE:

H. K. K. K.

For the defendant CARL LAUTENSCHLAGER:

C. L. L. L.

For the defendant WILHELM MANN:

W. M. M. M.

For the defendant HEINRICH OSTER:

H. O. O. O.

For the defendant CARL WURSTER:

C. W. W. W.

For the defendant WALTER DUERRFELD:

W. D. D. D.

For the defendant ERICH VON DER HEYDE:

E. H. H. H.

For the defendant HANS KUGLER:

H. K. K. K.

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FILED 17 Dec 1947
Secretary General
for Military Tribunals
Defense Center

An das Amerikanische Militärgericht VI
Nürnberg.

Fall VI: Krauch und andere.

A n t r a g
der Verteidigung
auf
auf einen Nicht-Schuldigspruch.

Nürnberg, den 17. Dezember 1947.

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(44)

Hohes Gericht:

Die unterzeichneten Verteidiger bitten durch mich um die Erlaubnis, einen Antrag vortragen zu dürfen, der uns schon seit einigen Wochen beschäftigt. Die Verteidigung glaubt, dass jetzt der geeignete Zeitpunkt gekommen ist, um die Erheblichkeit des von der Anklage vorgelegten Beweismaterials zu prüfen.

Grundsätzlich vertritt die Verteidigung den Standpunkt, dass das von der Anklage eingeführte Beweismaterial rechtlich gesehen nicht ausreicht, um die behauptete Verantwortung der Angeklagten für sämtliche in der Anklage behandelten Tatbestände prima facie zu rechtfertigen. Die Verteidigung hat daher die Möglichkeit erwogen, diesen Antrag hinsichtlich sämtlicher Punkte der Anklage zu stellen. Die Verteidigung ist jedoch der Ansicht, dass ein solcher sämtliche Punkte der Anklage umfassender Antrag möglicherweise für das Hohe Gericht eine umfangreiche Prüfung des riesigen von der Anklage vorgelegten Beweismaterials mit sich bringen würde und dass daher eine eingehende Behandlung eines auf sämtliche Punkte der Anklage sich erstreckenden Antrages durch das Hohe Gericht eine nicht unerhebliche Verzögerung im Fortgang des Prozesses zur Folge haben würde.

Die Verteidigung hat sich daher entschlossen, ihren Antrag nur auf solche Punkte zu erstrecken, die, wie wir uns erlauben vorzutragen, nach unserer Ansicht keine langwierige Prüfung des von der Anklage vorgelegten Beweismaterials erforderlich machen, da die Unerheblichkeit dieses Beweismaterials sich aus Rechtsgründen ergibt, wie sie im IMT Urteil klar zutage treten.

Aus diesen Gründen wird die Verteidigung ihren Antrag auf die Punkte I und V der Anklage (Abs. 1 - 85 und Abs. 146, 147) und auf die angeblichen Plünderungsfälle in Oesterreich und im Sudetenland (Abs. 90 - 96 der Anklage) xx beschränken.

Die Verteidigung ist nach sorgfältiger Überlegung zu dem Ergebnis gekommen, dass das soeben erwähnte Beweismaterial unerheblich ist. Daher stellen wir hiermit den folgenden Antrag:

Die unterzeichneten Verteidiger erlauben sich nunmehr

beim Hohen Gericht zu beantragen, ein Nicht-Schuldig auszusprechen im Hinblick auf die Anschuldigungen und alle Einzeltatbestände unter Punkt I und V der Anklage wie auch im Hinblick auf die Anschuldigungen und Einzeltatbestände unter Punkt II der Anklage, soweit es sich um die angeblichen Plünderungsfälle in Oesterreich und der Tschechoslovakei (Abs. 90 - 96 der Anklage) handelt, und zwar mit der Begründung,

dass die vorgelegten Beweismittel nicht ausreichen, um hinsichtlich dieser Einzeltatbestände und Anklagepunkte ein Schuldig auszusprechen.

Dieser Antrag entspricht den anerkannten Regeln und der Praxis der amerikanischen und britischen Gerichte, welche der Verteidigung die Stellung eines solchen Antrages vor Eröffnung ihres Falles gestatten. Insbesondere ist die Zulässigkeit derartiger Anträge auch in den Kriegsverbrecherprozessen vor den Militärtribunalen bestätigt worden.

Es wird Bezug genommen auf den Fall Mühldorf vor dem Militärtribunal Dachau, Deutschland, vom 13. Mai 1947, Fall Nr. 000/50/136 Dachau/Deutschland.

Ferner wird Bezug genommen auf das Handbuch für Militärstrafrecht der U.S. Army (XIII, Abs. 71 d), S. 56).

In der Ordinance Nr. 7 ist keine ausdrückliche Bestimmung enthalten, die einen solchen Antrag verbietet. Im Gegenteil, da ein solcher Antrag auf die Beschleunigung des Verfahrens abzielt, dient er dem allgemeinen die Ordinance Nr. 7 beherrschenden Grundsatz, wie er im Art. VI a zum Ausdruck gebracht ist, der wie folgt lautet: Ich zitiere:

"Die Gerichte sollen:

- a) den Prozess streng auf eine beschleunigte Verhandlung der durch die Anklage geltend gemachten Punkte beschränken.

Ende des Zitats.

Eine beschleunigte Verhandlung beinhaltet nach unserer Auffassung die Notwendigkeit zu prüfen, ob das dem Gericht vorliegende Beweismaterial rechtlich ausreichend ist, um einen Schuldspruch zu begründen, wenn ein Antrag seitens der Verteidigung vor Eröffnung

ihres Falles gestellt wird.

Die Verteidigung ist daher der Ansicht, dass ihr Antrag durchaus im Rahmen der Bestimmungen der Ordinance Nr. 7 liegt.

Die Verteidigung ist sich durchaus dessen bewusst, dass im Falle einer Bewilligung dieses Antrages durch das Hohe Gericht die Verteidigung auf die Vorlage wertvollen Entlastungsmaterials zu diesen Anklagepunkten verzichten müsste, das die ganze Darstellung der Anklage in einem wesentlich anderen Licht erscheinen lassen würde. Die Verteidigung nimmt diesen Nachteil jedoch bewusst in Kauf, da sie eingedenk der Stellung eines Verteidigers als eines Officers of the Court und der sich aus dieser Stellung ergebenden Verpflichtung, alles zu tun, was zur Beschleunigung des Verfahrens beitragen kann, diese Verpflichtung höher stellt, als die Chance, durch die Vorlage eigenen Entlastungsmaterials den Vortrag der Anklage zu widerlegen.

Es dürfte klar sein, dass im Falle einer Bewilligung dieses Antrages eine wesentliche Verkürzung des Prozesses eintreten würde, da die Verteidigung sich alsdann nicht mit dem umfangreichen Material der Anklage zu den Anklagepunkten I und V auseinander zu setzen braucht. Die Verteidigung glaubt daher, durch diesen Antrag einen konstruktiven Beitrag zur Beschleunigung des Prozesses geleistet zu haben. Ich darf mir erlauben, nunmehr diesen Antrag mit Erlaubnis des Hohen Gerichts so kurz ich es vermag zu begründen:

I. Die Angeklagten werden beschuldigt, an der Planung, Vorbereitung, Einleitung und Führung von Angriffskriegen und Invasionen teilgenommen zu haben (Anklagepunkt I), ferner als Führer, Organisatoren, Anstifter und Beihelfer an der Ausarbeitung und Durchführung eines gemeinsamen Planes oder einer Verschwörung teilgenommen zu haben, die zum Gegenstand hatte, Verbrechen gegen den Frieden zu begehen (Anklagepunkt V).

Die Anklage leitet die strafrechtliche Verantwortung der Angeklagten aus den Bestimmungen des Kontrollratsgesetzes Nr. 10 vom 20. Dezember 1945 ab.

Was zunächst die Frage des bei der Prüfung der Beweiserheblichkeit des Materials zu den Anklagepunkten I und V anzuwendenden

Rechts betrifft, so ist die Verteidigung der Ansicht, dass dieses Recht den allgemein anerkannten Regeln des Völkerrechts zu entnehmen ist, wie es seinen Niederschlag in dem Statut des IMT vom 8. August 1945, Art. VI a gefunden hat; denn die Planung, Vorbereitung und Führung von Angriffskriegen und die Teilnahme an einer Verschwörung ist ein völkerrechtliches Delikt und kann daher nur nach Völkerrechts-sätzen beurteilt werden. Demgemäss stellt das IMT in seiner Urteils-begründung (Band I, Seite 218) bezüglich des rechtlichen Charakters des soeben erwähnten Statuts vom 8. August 1945 folgendes wörtlich fest:

Ich zitiere:

"Das Statut ist keine willkürliche Ausübung der Macht seitens der siegreichen Nationen, sondern ist nach Ansicht des Ge-richts, wie noch gezeigt werden wird, der Ausdruck des zurzeit der Schaffung des Statuts bestehenden Völkerrechts. Insoweit ist das Statut selbst ein Beitrag zum Völkerrecht."

Ende des Zitats.

In diesem Zusammenhang ist von allergrösster Bedeutung die Auslegung, die das IMT diesem Statut in seinem Urteil gegeben hat. Insofern kann man annehmen, dass dieses Urteil selbst ebenfalls einen Beitrag zum Völkerrecht darstellt, also bei der Prüfung der uns hier beschäftigenden Frage zu berücksichtigen wäre.

Was das Kontrollratsgesetz Nr. 10 betrifft, auf das sich die Anklage stützt, so ergibt sich aus der Einleitung dieses Gesetzes, dass es lediglich ein Ausführungsgesetz zu dem soeben erwähnten Statut darstellt. Daraus folgt nach Ansicht der Verteidigung, dass die Auslegung der Bestimmungen des Kontrollratsgesetzes Nr. 10 ungeachtet ihres Wortlauts sich innerhalb derjenigen Auslegung halten muss, die das IMT in seinem Urteil dem Statut gegeben hat; denn das Kontrollratsgesetz Nr. 10 wurde am 20. Dezember 1945 erlassen, während das Urteil des IMT am 30. September bzw. 1. Oktober 1946 erging, also für die Auslegung auch das Kontrollratsgesetzes Nr. 10 massgebend sein muss. In dieser Hinsicht ist es auch bezeichnend, dass das IMT in seiner Urteilsbegründung sich ausschliesslich auf die Bestimmungen des Statuts und nicht auf diejenigen des zu seiner Aus-

führung erlassenen Kontrollratsgesetzes Nr. 10 stützt.

Nun mag die Anklage den Standpunkt vertreten, dass das Kontrollratsgesetz Nr. 10 von den vier alliierten Nationen, welche im Gebiet des ehemaligen deutschen Reichs die Regierungsgewalt übernommen haben, erlassen worden ist und dass daher die Bestimmungen dieses Gesetzes allein in deutschen Kriegsverbrecherprozessen Anwendung finden.

Diesem Argument würde die Verteidigung entgegenhalten, dass angesichts der vom IMT betonten Tatsache, dass das Statut der Ausdruck des bei seiner Entstehung geltenden Völkerrechts ist, die Bestimmungen des Kontrollratsgesetzes Nr. 10, die in Ausführung dieses Statuts erlassen sind, bei der Definition der verschiedenen Straftatbestände keine dem Völkerrecht bisher unbekannte und daher in dem Statut nicht behandelte Tatbestandsmerkmale einführen dürfen. Jede gegenteilige Ansicht würde mit dem fundamentalen Grundsatz sowohl des Völkerrechts wie des innerstaatlichen Rechts im Widerspruch stehen, dass es keine Bestrafung von Verbrechen ohne ein diesen vorangegangenes Gesetz gibt. Die Verteidigung vertritt daher den Standpunkt, dass im Falle einer Diskrepanz zwischen den Bestimmungen des Kontrollratsgesetzes Nr. 10 einerseits und des Statuts sowie dessen Auslegung durch das IMT andererseits dem letzteren der Vorzug zu geben ist.

Die Verteidigung hat geglaubt, diesen rechtlichen Gesichtspunkt ihren Ausführungen voranstellen zu müssen, da sie unter dem Eindruck steht, dass die Anklage offenbar versucht, ihre Anschuldigungen mit dem Wortlaut des Kontrollratsgesetzes Nr. 10 zu rechtfertigen, ohne die Bestimmungen des Statuts und die Auslegung derselben durch das IMT zu berücksichtigen. Hierbei denkt die Verteidigung in erster Linie an die Bestimmung des Art. II 2 f des Kontrollratsgesetzes Nr. 10, in dem die strafrechtliche Verantwortlichkeit von Personen behandelt wird, die im finanziellen, industriellen oder wirtschaftlichen Leben eine gehobene Stellung innegehabt haben, eine Bestimmung, die im Statut des IMT nicht enthalten ist.

Damit habe ich bereits das Kernproblem angeschnitten, nämlich die Frage, ob es für die Bejahung der strafrechtlichen Verantwortung

der Angeklagten genügt, wenn neben dem objektiven Tatbestand der Planung, Vorbereitung und Führung eines Angriffskrieges von der Anklage der Nachweis geführt wird, dass die Angeklagten eine gehobene Stellung im wirtschaftlichen Leben Deutschlands bekleideten. Mit andern Worten: es erhebt sich die Frage, welche rechtlichen Folgen an die vorerwähnte Bestimmung des Kontrollratsgesetzes Nr. 10 angesichts des Fehlens einer ähnlichen Bestimmung im Statut geknüpft werden können.

Der Standpunkt der Anklage ist nicht ganz klar. In seinem Opening Statement (Protokollseite 66) erklärte General Taylor folgendes:

Ich zitiere:

"Wir glauben, dass diese Bestimmung nicht beabsichtigt, automatisch allen Inhabern hoher Stellungen Schuld im Sinne des Strafrechts beizumessen, sondern eher, dass berechnete und vernünftige Schlüsse aus der Tatsache gezogen werden können, dass ein Angeklagter eine solche Stellung innehatte und ihm aufgibt, die Schlüsse, die andernfalls gezogen werden würden, zu widerlegen."

Ende des Zitats.

Die Anklage führt jedoch in ihrem Preliminary Memorandum Brief, Teil I, Seite 2, folgendes aus:

Ich zitiere:

"Diese Vorschrift zielt unseres Erachtens nicht darauf ab, alle Inhaber hoher Ämter automatisch mit strafrechtlichen Verschulden zu belasten. Wohl aber bestimmte sie, dass die Tatsache, dass eine Person eine derartige Dienststellung innehatte, zusammen mit allen übrigen Beweisergebnissen bei der Feststellung des Umfanges ihrer Kenntnis von den Straftaten und ihrer Beteiligung daran in Betracht gezogen werden muss."

Ende des Zitats.

Die Verteidigung ist daher der Ansicht, dass die Anklage offensichtlich jetzt nicht mehr behauptet, dass aufgrund der vorerwähnten Bestimmung des Kontrollratsgesetzes Nr. 10 den Angeklagten die Beweislast für ihre Schuldlosigkeit obliegt. Die Anklage behauptet jedoch ganz klar auf Seite 7 ihres vorerwähnten Memorandums folgendes:

Ich zitiere:

"Es ist völlig klar, dass das Kontrollratsgesetz Nr. 10 zwischen "Privatpersonen" und "Regierungsbeamten" keinen Unterschied macht. Abs. 2 des Art. II des Gesetzes Nr. 10 spricht zunächst unter f) von Personen, die in Deutschland "höhere politische, staatliche oder militärische Stellungen" innegehabt haben und, daran anschliessend von Personen, die im "finanziellen, industriellen oder wirtschaftlichen Leben" Deutschlands höhere Stellungen innegehabt haben. Der so gekennzeichnete Personenkreis schliesst Persönlichkeiten von der Art der Angeklagten ohne jeden Zweifel ein."

Ende des Zitats.

Im Gegensatz hierzu vertritt die Verteidigung den Standpunkt, dass die erwähnte Bestimmung des Kontrollratsgesetzes Nr. 10 ohne jede rechtliche Bedeutung ist und zwar weder in dem Sinne, dass sie in irgendeinem Umfange die der Anklage obliegende Beweislast beschränkt, noch dass sie den Schluss rechtfertigt, dass zwischen "Privaten Personen" und "Regierungsbeamten" bei der Feststellung der Verantwortlichkeit für Verbrechen gegen den Frieden kein Unterschied zu machen ist. Die Verteidigung stützt diese Ansicht einmal auf das Fehlen einer ähnlichen Bestimmung im Statut, ferner auf die Gründe des IMT Urteils, die klar erkennen lassen, dass die Verantwortung für Verbrechen gegen den Frieden auf einen kleinen Kreis der intimsten Regierungs- und Militärberater Hitlers zu beschränken ist. Daher vertritt die Verteidigung den Standpunkt, dass die Anklage neben dem Nachweis des objektiven Tatbestandes einer Beteiligung an der Vorbereitung eines Angriffskrieges in einer jeden Zweifel ausschliessenden Weise bei den Angeklagten, und zwar bei jedem getrennt, ein bestimmtes Verschulden bestehend aus einer definitiven Kenntnis spezifischer Angriffspläne Hitlers nachweisen muss.

II. Wollte man die vorerwähnte Bestimmung des Art. II 2 f des Kontrollratsgesetzes Nr. 10 ihrem strengen Wortlaut nach anwenden, so würde dies im Endergebnis zu einer Verurteilung sämtlicher Personen führen, die im finanziellen, industriellen oder wirtschaftlichen Leben Deutschlands eine gehobene Stellung innehatten. Da andererseits in der soeben zitierten Bestimmung auch diejenigen Personen erwähnt werden, die in Deutschland eine gehobene politische, staatliche oder militärische Stellung innehatten, so hätte dies

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bei Anlegung eines so strengen Massstabes dazu führen müssen, dass sämtliche Angeklagte im IMT Prozess wegen Vorbereitung und Führung von Angriffskriegen hätten verurteilt werden müssen. Das IMT ist aber, wie sich aus seinem Urteil ergibt, zu einem Freispruch einer ganzen Reihe von Angeklagten von diesen Anklagepunkten gelangt und hat damit eindeutig zu erkennen gegeben, dass eine wörtliche Anwendung der Bestimmung des Art. II 2 f des Kontrollratsgesetzes Nr. 10 nicht den Grundsätzen des Völkerrechts entspricht und dass daher eine solche strenge Auslegung dieser Bestimmung abzulehnen ist. Eine entgegengesetzte Auffassung würde dazu führen, die Verantwortlichkeit normaler deutscher Bürger für Verbrechen gegen den Frieden in einem strengeren und schärferen Sinne auszulegen als es der Massstab ist, den das IMT bei der Beurteilung der Verantwortlichkeit der obersten Naziführer angelegt hat, ein Ergebnis, das mit den Grundsätzen der Gerechtigkeit und Billigkeit unvereinbar wäre. Die Richtigkeit dieser These ergibt sich nach Ansicht der Verteidigung aus einer Beschäftigung mit den Ausführungen des IMT Urteils zu den Anklagepunkten "Planung, Vorbereitung und Führung von Angriffskriegen und der Beteiligung einer hierauf gerichteten Verschwörung".

Das IMT hat in seinem Urteil folgende kriegserische Handlungen zu Angriffskriegen erklärt und damit in bindender Weise für spätere Gerichte festgestellt: Polen, Dänemark, Norwegen, Belgien, Luxemburg, Jugoslawien, Griechenland, Russland, USA, also ausschliesslich der Besetzung Oesterreichs, die jedoch durch das IMT als eine aggressive Invasion angesehen wird, sowie ausschliesslich des Sudetenlandes, Frankreichs und Englands. Die Besetzung von Böhmen und Mähren wurde durch das IMT als militärische Besetzung, die den Kriegsregeln unterliegt, angesehen.

Vor dem IMT hatten sich folgende ehemaligen Mitglieder der deutschen Reichsregierung zu verantworten: Goering, v. Ribbentrop, Hess, Rosenberg, Frank, Bormann, Frick, Speer, Funk, Schacht, v. Papen, v. Neurath; ferner folgende Männer, die mit hohen Regierungsfunktionen betraut waren und in einem engen Zusammenhang mit der Reichsregierung standen: Kaltenbrunner, Sauckel, v. Schirach, Fritzsche

Seyss-Inquart, Streicher; endlich Männer, die mit der höchsten militärischen Führung betraut waren und daher in einem engsten Vertrauensverhältnis zu Hitler standen: Keitel, Jodl, Raeder, Doenitz. Ferner war als verbrecherische Organisation, die in eine Verschwörung zur Führung von Angriffskriegen verwickelt war, die deutsche Reichsregierung als ganzes angeklagt.

Es verdient zunächst festgestellt zu werden, dass, obwohl die deutsche Reichsregierung zweifellos der Träger und Vollstrecker der politischen Willensbildung des deutschen Volkes in der damaligen Zeit war und daher vom Standpunkt des Völkerrechts für die letzten politischen Entscheidungen hätte verantwortlich gemacht werden müssen, durch das IMT von der Anklage der verbrecherischen Organisation und damit zugleich auch von der Anklage der Verschwörung zur Vorbereitung und Führung von Angriffskriegen freigesprochen worden ist. Ich zitiere aus den Gründen des IMT Urteils auf S. 275/276, Bd.I, die folgenden Ausführungen, die nach Ansicht der Verteidigung höchst bedeutungsvoll sind, da sie nach unserer Meinung für die Beurteilung der Verantwortlichkeit dieser Angeklagten unter den hier in Frage stehenden Anklagepunkten entscheidend sind: Ich zitiere:

"Eine Anzahl der Regierungsmitglieder war zweifellos in die Verschwörung zur Führung eines Angriffskrieges verwickelt; doch waren sie als Einzelpersonen darin verwickelt, und es besteht kein Beweis dafür, dass die Regierung als Gruppe oder Organisation irgendeinen Anteil an diesen Verbrechen nahm. Man wird sich darin erinnern, dass Hitler, als er die Mitteilung von den Zielen seines verbrecherischen Angriffs auf der Hossbach-Konferenz machte, diese Erklärungen nicht vor der Regierung gab, und dass die Regierung in diesem Punkte nicht befragt wurde, sondern dass, im Gegenteil, die Mitteilung einer kleinen Gruppe gegenüber im geheimen gemacht wurde, auf die sich Hitler bei der Führung seines Krieges notwendigerweise stützen musste. In gleicher Weise wurde die Invasion Polens nicht durch einen Regierungsbefehl angeordnet. Im Gegenteil, der Angeklagte Schacht bezeugt, dass er die Invasion durch einen an den Oberfeldshaber der Armee gerichteten Protest aufzuhalten versuchte, mit der Begründung nämlich, dass Hitlers Befehl eine Verletzung der Verfassung darstellt, da er nicht von der Regierung genehmigt war."

Ende des Zitats.

Daraus ergibt sich in klarer Weise, dass das IMT die Verur-

teilung wegen der Beteiligung an der Vorbereitung und Führung von Angriffskriegen und an einer hierauf gerichteten Verschwörung noch nicht einmal auf sämtliche Mitglieder der ehemaligen deutschen Reichsregierung als des Trägers der höchsten politischen Verantwortung ausgedehnt hat, sondern auf einen kleinen Kreis von Mitgliedern dieser Reichsregierung und von anderen hohen Regierungs- und militärischen Funktionären, die mit ihr in engem Zusammenhang standen, beschränkt hat. Das ergibt sich klar aus einer Aufzählung dieser Angeklagten des IMT Prozesses, die von der Anklage Verbrechen gegen den Frieden begangen zu haben freigesprochen worden sind. Von den Mitgliedern der ehemaligen Reichsregierung sind die folgenden von dieser Anklage freigesprochen worden:

Schacht, Reichswirtschaftsminister,
v. Papen, ehemaliger Vizekanzler und dann Reichsbevollmächtigter für Österreich,
Speer, Minister für Rüstung und Munition,
Frank, ehemaliger Reichsminister ohne Porte Feuille und Generalgouverneur der besetzten polnischen Gebiete,
Bormann, ehemaliger Leiter der Parteikanzlei und Sekretär von Hitler.

Die folgenden Regierungsfunktionäre sind ebenfalls von dieser Anklage freigesprochen worden:

Sauckel, Reichsbeauftragter für den Arbeitseinsatz im Rahmen des Vierjahresplanes und zusammen mit dem Angeklagten Ley Organisation der Zentralinspektion für die Betreuung ausländischer Arbeiter,
Kaltenbrunner, früherer Chef der Sicherheitspolizei und Leiter des Reichssicherheitshauptamtes,
Streicher, früherer Gauleiter von Franken,
v. Schirach, früherer Reichsjugendleiter sowie Reichsgouverneur und Reichsverteidigungskommissar von Wien,
Fritzsche, Chef der Presse und Rundfunkabteilung des Propagandaministeriums.

Von dem Vorwurf der Beteiligung an einer Verschwörung zur Vorbereitung und Führung von Angriffskriegen, jedoch unter Verurteilung wegen Beteiligung an der Planung, Vorbereitung und Führung bestimmter Angriffskriege wurden folgende ehemalige Mitglieder der

deutschen Reichsregierung freigesprochen:

Frick, ehemaliger Reichsminister des Inneren,

Funk, ehemaliger Reichswirtschaftsminister,

und folgende Regierungs- bzw. militärische Funktionäre:

Seyss-Inquart, früherer österreichischer Sicherheits- und Innenminister und Chef der Zivilverwaltung in Süd-Polen sowie Reichsstatthalter für die Niederlande,

Doenitz, der frühere Oberbefehlshaber der deutschen Kriegsmarine und Staatsoberhaupt als Nachfolger Hitlers.

Damit hat das IMT in klarer Weise zu erkennen gegeben, dass eine strafrechtliche Verantwortung für die Vorbereitung und Führung der oben-erwähnten Angriffskriege nur auf einen bestimmten kleinen Kreis von Männern zu beschränken ist. Die Auswahl dieser Männer -- und das ist für die in unserem Prozess jetzt zur Debatte stehende Frage von ausschlaggebender Bedeutung -- hat das IMT nicht etwa nach dem Gesichtspunkt der Stellung, welche die Männer bekleideten, getroffen, auch nicht nach der Bedeutung ihres Aufgabenkreises für die deutsche Aufrüstung und damit für die Vorbereitung und Führung der Angriffskriege; denn andernfalls hätten die sämtlichen oben angeführten freigesprochenen Personen verurteilt werden müssen, denn wer könnte leugnen, dass beispielsweise Männer wie Schacht, Speer, Papen, Sauckel und andere vor bzw. nach Ausbruch der Angriffskriege nicht höchstwichtige Beiträge zur Stärkung des deutschen Kriegspotentials objektiv geleistet haben.

Das IMT stellt seine Beurteilung der strafrechtlichen Verantwortung vielmehr ausschliesslich auf den subjektiven Tatbestand ab, d.h. auf die Kenntnis der Angeklagten von konkreten Angriffsplänen Hitlers, die dieser in bestimmten geheimen Konferenzen im engsten Mitarbeiterkreis offenbart hat; es sind dies die Konferenzen Hitlers vom 5. November 1937, 23. Mai 1939, 22. August 1939 und 23. November 1939 vergl. das IMT Urteil (Bd. I, Seite 188). Ich zitiere:

"Das in erbeuteten Dokumenten enthaltende Beweismaterial hat gezeigt, dass Hitler 4 geheime Konferenzen abgehalten hat, auf die sich das Gericht im besonderen zu beziehen beabsichtigt, da sie auf die Frage des gemeinsamen Planes ein besonderes Licht werfen. Diese Konferenzen fanden am 5. November 1937, 23. Mai 1939, 22. August 1939 und 23. November 1939 statt.

Während dieser Besprechungen machte Hitler wichtige Erklärungen bezüglich seiner Ziele, welche in ihrer Ausdrucksweise völlig unmissverständlich sind."

Ende des Zitats.

Der Gedankengang des IMT in dieser Beziehung wird besonders deutlich aus einem kurzen Überblick über einige für den Freispruch einzelner Angeklagter aus dem IMT Prozess von diesen Anklagepunkten angeführte Gründe. Ich zitiere aus der Urteilsbegründung Schacht (Bd. I, Seite 308):

"Es ist klar, dass Schacht eine wichtige Persönlichkeit für Deutschlands Wiederaufrüstungsprogramm darstellte, und die Massnahmen, die er ergriff, besonders in den ersten Tagen des Nazi-Regimes waren für Nazi-Deutschlands schnellen Aufstieg als Militärmacht verantwortlich. Aber die Aufrüstung an sich ist nach dem Statut nicht verbrecherisch. Wenn sie ein Verbrechen gegen den Frieden lt. Art. 6 des Statuts darstellen sollte, so müsste gezeigt werden, dass Schacht diese Aufrüstung als einen Teil des Naziplans zur Führung von Angriffskriegen durchführte.....

Es ist klar geworden, dass er nicht zu dem inneren Kreis um Hitler gehörte, der am engsten an diesem gemeinsamen Plan beteiligt war."

Ende des Zitats.

Ich zitiere aus der Urteilsbegründung v.Papen (Bd. I, Seite 327):

"Laut dem Beweismaterial unterliegt es keinem Zweifel, dass das Hauptziel von Papens als Gesandter von Oesterreich darin bestand, das Schuschnigg'sche Regime zu unterhöhlen und die oesterreichischen Nazis zu stärken, um den Anschluss herbeizuführen. Um diesen Plan durchzuführen, hat er sowohl Intrigen betrieben als auch Drohungen gebraucht. Das Statut hat jedoch solche Verletzungen der politischen Moral nicht als verbrecherisch bezeichnet, so übel sie auch sein mögen. Nach dem Statut kann v.Papen nur dann für schuldig befunden werden, wenn er an der Planung eines Angriffskrieges teilgenommen hat. Es liegen keine Beweise dafür vor, dass er an den Plänen, bei denen die Besetzung Oesterreichs einen Schritt in der Richtung weiterer Angriffskriege darstellte, teilgenommen hatte....."

Ende des Zitats.

Ich zitiere aus der Urteilsbegründung Speer (Bd. I, Seite 330):

"Der Gerichtshof ist der Ansicht, dass die Tätigkeit Speers nicht darauf hinzielte, Angriffskriege einzuleiten, zu planen oder vorzubereiten, oder sich zu diesem Zwecke zu verschwören. Chef der Rüstungsindustrie wurde er lange nachdem alle Kriege begonnen hatten und im Gange waren. Seine Betätigungen, als

ihm der deutsche Kriegseinsatz unterstand, dienten dem Kriegseinsatz genau so wie jede Erzeugungstätte der Kriegführung half; der Gerichtshof ist jedoch nicht der Ansicht, dass eine solche Tätigkeit die Teilnahme an einem gemeinsamen Plan, Angriffskriege zu führen, darstellten im Sinne des Anklagepunktes I oder Angriffskriege zu führen im Sinne des Anklagepunktes II."

Ende des Zitats.

Ich zitiere aus der Urteilsbegründung Fritzsche (Bd.I, S.337):

"Nie galt er als wichtig genug, um zu den Planungsbesprechungen zugezogen zu werden, die zu Angriffskriegen führten; seine eigene unwidersprochen gebliebene Aussage behauptet, dass er niemals selbst mit Hitler gesprochen habe. Auch liegt kein Material vor, das zeigen würde, dass er über die auf diesen Sitzungen getroffenen Entscheidungen unterrichtet war. Man kann nicht sagen, dass seine Tätigkeit unter die in diesem Urteil gegebene Definition für einen gemeinsamen Plan zur Führung von Angriffskriegen fiel."

Ende des Zitats.

Ich zitiere aus der Urteilsbegründung Bormann (Bd.I, S.339):

"Es liegen keine Beweise vor, dass Bormann von Hitlers Plänen, Angriffskriege vorzubereiten, einzuleiten und zu führen, wusste. Er wohnte keiner der wichtigen Besprechungen, auf denen Hitler Stück für Stück diese Angriffspläne enthüllte, bei."

Ende des Zitats.

Ich zitiere aus der Urteilsbegründung Streicher (Bd.I, S.302):

"Streicher war ein unerschütterlicher Nazi und Anhänger Hitlers und seiner wesentlichen politischen Ziele. Es liegt kein Beweis dafür vor, dass er je zum inneren Kreis der Ratgeber Hitlers gehört hat. Auch war er während seiner Laufbahn nicht eng mit der Planung der Politik verbunden, die zum Kriege geführt hatte. Z.B. war er niemals bei einer der wichtigen Besprechungen zugegen, wenn Hitler seinen Führern seine Entschlüsse erklärte."

Ende des Zitats.

Um das Bild abzurunden, seien noch die folgenden Ausführungen aus dem IMT Urteil zusätzlich zitiert (Bd.I, Seite 225).

Ich zitiere:

"Der Gerichtshof muss untersuchen, ob ein konkreter Plan zur Kriegführung bestand und bestimmen, wer an diesem konkreten Plan teilgenommen hat.....
Aus der Beweisführung geht jedoch mit Bestimmtheit eher das Bestehen vieler einzelner Pläne hervor als eine einzige alle solche Pläne umfassende Verschwörung hervor."

Ferner auf Seite 256, Bd. I :

Ich zitiere:

"Dieses Ermessen ist richterlicher Natur und lässt keinen Raum für eine willkürliche Entscheidung; es muss im Einklang mit anerkannten Rechtsgrundsätzen ausgeübt werden. Zu den wichtigsten dieser Prinzipien gehört, dass die strafrechtliche Schuld eine persönliche ist und dass Massenbestrafungen zu vermeiden sind."

Ende des Zitats.

Das zusammengefasste Ergebnis aus den vorstehenden Zitaten des IMT Urteils zur Frage der Verantwortlichkeit für die Vorbereitung und Führung von Angriffskriegen ist nach Ansicht der Verteidigung das folgende.

Nach der für andere Gerichte verbindlichen Auffassung des IMT gab es nicht eine einzelne Verschwörung der führenden Persönlichkeiten des früheren Deutschen Reichs mit dem allgemeinen Ziel Angriffskriege zu führen, oder wie die Anklage auf Seite 9 ihres Memorandum-Brief, Teil I, es nennt: Ich zitiere:

"Zum Zwecke der Durchführung einer nationalen Politik der Ausdehnung."

Ende des Zitats.

Im Gegenteil, das IMT nimmt das Bestehen einzelner Pläne an.

Allein entscheidend für die Verurteilung aus dem Gesichtspunkt eines Verbrechens gegen den Frieden ist nach Ansicht des IMT eine spezielle Kenntnis von den konkreten Angriffsplänen Hitlers und eine unmittelbare Beteiligung an der Ausarbeitung dieser Pläne. Das IMT stellt es also nicht etwa ab auf die sogenannte allgemeine Kenntnis innerhalb des deutschen Volkes hinsichtlich der Möglichkeit, dass Hitler Angriffskriege führen würde, sondern auf die spezielle Kenntnis eines ganz kleinen Kreises seiner unmittelbaren Vertrauten, die an bestimmten Geheimkonferenzen teilnahmen.

In direktem Widerspruch zu diesen klar und präzise aufgestellten Grundsätzen, die allein als ein zuverlässiger Masstab für die Bestimmung einer persönlichen strafrechtlichen Schuld angesehen werden können, führt die Anklage auf Seite 9 und 10 ihres Memorandum Brief Teil I eine Definition eines Verbrechens gegen den Frieden ein, die so vage ist, dass ihre Anwendung mit Sicherheit zu einer

Massenbestrafung des deutschen Volkes entgegen der oben zitierten Ausführungen aus den Gründen des IMT Urteils führen würde, die verlangen, dass die strafrechtliche Schuld eine persönliche sein und Massenbestrafungen vermieden werden muss.

Ich zitiere aus dem Brief der Anklage Seite 9:

A. "Der Bereich der Verbrechen gegen den Frieden."

Ohne zu versuchen, eine allumfassende Definition dessen zu geben, was unter den Begriff der Verbrechen gegen den Frieden nach dem Kontrollratsgesetz Nr. 10 fällt, behaupten wir, dass nach den Grundsätzen des Völkerrechts und den Bestimmungen des Kontrollratsgesetzes Nr. 10, Verbrechen gegen den Frieden zum mindesten das folgende umfassen:

Jede Person ohne Rücksicht auf ihre Nationalität oder die Eigenschaft, in der sie handelt, begeht ein Verbrechen gegen den Frieden, wenn sie im Bewusstsein, dass eine Förderung der militärischen Macht eines Landes zum Zwecke der Durchführung einer nationalen Politik der Ausdehnung benutzt werden wird oder gerade benutzt wird, um der Bevölkerung anderer Länder ihr Land, ihr Eigentum oder ihre persönliche Freiheit zu nehmen, an einer solchen Förderung teilnimmt.

B. Teilnahme der Angeklagten an Verbrechen gegen den Frieden.

Es ist nicht notwendig, genau zu definieren, was eine Teilnahme an der Förderung der militärischen Macht eines Landes für die oben angedeuteten Zwecke bedeutet und was nicht. Es genügt hier die Feststellung, dass jeder, der eine wesentliche Verantwortung für die Begehung von Handlungen trägt, die zur Förderung der militärischen Macht eines Landes von lebenswichtiger Bedeutung sind, gemäss dieser Definition daran teilnimmt."

Ende des Zitats.

Ich zitiere aus dem Brief der Anklage Seite 10:

C. "Die subjektive Seite."

Es ist dies die Kenntnis, dass eine solche militärische Macht zum Zwecke der Durchführung einer nationalen Politik der Ausdehnung verwendet werden wird, um der Bevölkerung anderer Länder ihr Land, ihr Eigentum oder ihre persönliche Freiheit zu nehmen. Es genügt der Glaube, dass durch die Bedrohungen mit der militärischen Macht dieser Zweck erreicht werden wird, obwohl wenn nötig, diese Machtmittel auch tatsächlich angewendet werden würden."

Ende des Zitats.

Nach Auffassung der Verteidigung steht diese Definition der Anklage im Widerspruch zu der Ansicht des IMT und kann daher nicht

als im Einklang mit den Grundsätzen des Völkerrechts stehend bezeichnet werden. Es genügt in dieser Hinsicht nochmals, auf den Freispruch derjenigen Männer von der Anklage eines Verbrechens gegen den Frieden hinzuweisen, die zu den führenden Persönlichkeiten des deutschen öffentlichen Lebens gehörten, wie Schacht, Sauckel, Speer, v. Papen, Fritzsche, Frank, Bormann, Kaltenbrunner, Streicher, v. Schirach.

Diese Tatsache allein beweist zur Genüge, dass die von der Anklage aufgestellte Definition eines Verbrechens gegen den Frieden völlig unrichtig und mit den Grundsätzen des Völkerrechts, wie es durch das IMT interpretiert wird, unvereinbar ist. Selbst der Angeklagte Raeder, dessen Verurteilung unter dem Anklagepunkt eines Verbrechens gegen den Frieden durch das IMT von der Anklage zur Stützung ihrer Theorie (sh. Fussnote auf Seite 10 des Brief der Anklage) herangezogen wird, kann nicht als ein Beispiel für die Richtigkeit dieser Theorie angesehen werden. Denn wenn die Anklage die Gründe des IMT Urteils sorgfältiger gelesen hätte, dann hätte sie zweifellos auf Seite 315, Bd. I, die folgenden bedeutsamen Ausführungen betreffend diesen Angeklagten gefunden: Ich zitiere:

"Er war einer der fünf Führer, die auf der Hossbach-Konferenz am 5. November 1937 anwesend waren."

Ende des Zitats.

Daher nahm der Angeklagte Raeder mindestens an einer der geheimen Konferenzen teil, die nach dem IMT entscheidend waren für die Kenntnis einiger enger Berater hinsichtlich der Angriffspläne Hitlers.

Die Beschränkungen des Kreises der für Verbrechen gegen den Frieden verantwortlichen Personen durch das IMT hat seinen guten Grund darin, dass andernfalls der Kreis der Verantwortlichen praktisch unbegrenzt wäre. Denn wenn die Anklage beispielsweise in diesem Prozess sagt, dass der Krieg ohne die I.G. nicht hätte geführt werden können, kann man eben so sagen, der Krieg hätte nicht ohne die Beteiligung aller übrigen deutschen mit der Aufrüstung im Zusammenhang stehenden Firmen geführt werden können, nicht ohne den Bergbau, nicht ohne die Landwirtschaft, nicht ohne den Generalstab, der im IMT Prozess von der Anklage der verbrecherischen Organisation

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und damit der Verschwörung zur Vorbereitung und Führung von Angriffskriegen freigesprochen wurde, nicht ohne die Wirtschaftsbehörden des Reichs, welche die wirtschaftlichen Grundlagen für die Kriegsplanung lieferten, letztenendes nicht ohne die Soldaten, Bauern und Arbeiter, die vor und nach Ausbruch des Krieges ihren Beitrag zur Führung der Kriege geleistet haben. Das Wesen eines Rechtssatzes besteht in seiner gleichmässigen Anwendung auf alle davon Betroffenen; das ist ein Gebot der Gerechtigkeit. Stellt man daher lediglich auf den objektiven Beitrag zur Aufrüstung vor und nach Ausbruch der Angriffskriege ab, dann muss man logischerweise zur Bejahung der Verantwortlichkeit sämtlicher, oben angeführter Bevölkerungskreise gelangen. Daher ist eine vernünftige Begrenzung der Verantwortlichkeit nur nach der subjektiven Seite möglich, die das IMT unter Verwerfung des Grundsatzes der common knowledge bei einem kleinen Kreis höchster Regierungs- und militärischer Funktionäre unterstellt hat. Damit wird im Ergebnis das bestätigt, was der französische Hauptanklagevertreter im IMT Prozess, Francois de Menthon, in seiner Anklagerede vom 17. Januar 1946, vormittags, gesagt hat (Protokollseite 2892): Ich zitiere:

"Man kann wohl verständigerweise aus dem Vorhergesagten nicht die individuelle Verantwortung aller jener ableiten, die Gewalttaten begingen. Es ist klar, dass sich in einem modern organisierten Staate die Verantwortlichkeit auf diejenigen beschränkt, die unmittelbar für den Staat handeln, da allein sie im Stande sind, die Rechtmässigkeit der gegebenen Befehle zu beurteilen. Sie allein können und sollen verfolgt werden."

Ende des Zitats.

Es wird ferner Bezug genommen auf die höchst bedeutsame Entscheidung des Supreme Court der Vereinigten Staaten in dem MacIntosh Fall vom 29. Mai 1931 (sh. Lauterpacht Annual Digest of Public International Law Cases). In diesem Falle hatte ein kanadischer Theologieprofessor, der den Erwerb der amerikanischen Staatsangehörigkeit beantragte, erklärt, dass er die Loyalitätserklärung nur unter der Bedingung unterschreiben würde, dass er sich das Recht vorbehalte zu entscheiden, ob ein von den Vereinigten Staaten begonnener Krieg gerecht oder ungerecht sei. Er erklärte, er wolle nicht die Verpflichtung übernehmen, an einem Krieg teilzunehmen, der nach seiner Ansicht

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ungerecht sei. In der ersten Instanz wurde seine Klage abgewiesen. Das Berufungsgericht entschied zu seinen Gunsten mit der Begründung, das Völkerrecht mache einen Unterschied zwischen einem gerechten und einem ungerechten Frieden, wie aus dem Kellogg-Pakt ersichtlich sei. Der Supreme Court erliess ein Urteil gegen ihn mit der Begründung, dass - abgesehen von dem Fall des Conscientious Objector - kein USA Bürger berechtigt sei, seine moralische oder bewaffnete Unterstützung zu verweigern, wenn nach seiner Ansicht ein bestimmter Krieg ungerecht sei. Er könne sich daher nicht das Recht vorbehalten, eine spezifisch politische Entscheidung hinsichtlich des Charakters eines solchen Krieges zu treffen.

Die Verteidigung ist der Ansicht, dass diese bedeutsame Entscheidung des Supreme Court, die mehrere Jahre nach Abschluss des Kellogg-Paktes erging, ein starker Beweis für die Richtigkeit der Ansicht ist, dass unter einer Anklage ein so rein politisches Verbrechen begangen zu haben, wie es ein Verbrechen gegen den Frieden darstellt, nur die höchsten Regierungs- und militärische Funktionäre oder solche Personen verurteilt werden können, die direkt in Verbindung standen mit den geheimen Konferenzen und Planungen, welche derartige Angriffskriege zum Gegenstand hatten.

Wenn die Anklage auf Seite 7 ihres Memorandum Brief, Teil I, auf die Ausführungen in den Gründen des IMT Urteils, Band 1, Seite 226, verweist, wo davon gesprochen wird, dass Geschäftsleute strafbar sind, wenn sie in Kenntnis der Ziele Hitlers ihm ihre Unterstützung gaben, so beweist dies nicht das Gegenteil. Denn "mit Kenntnis von Hitlers Plänen" kann hier keine andere Bedeutung haben als im Falle der hohen Regierungs- und militärischen Funktionäre, die vor dem IMT standen, d.h. direkt und persönlich mit bestimmten geheimen Planungen Hitlers in Verbindung stehen.

III. Wendet man diese Grundsätze aber auf die hier zur Debatte stehenden Anklagepunkte an, so ergibt sich folgendes:

Wie bereits oben erwähnt kann die Bestimmung des Kontrollratsgesetzes Nr. 10 Art. II 2 f über die Verantwortlichkeit industrieller Führer nicht wahllos in dem Sinne angewandt werden, dass jeder industrieller Führer schon aufgrund seiner Stellung für die Vorbereitung

und Führung von Angriffskriegen verantwortlich gemacht werden kann. Auch bei den Industrieführern muss daher zur Feststellung ihrer Schuld der gleiche Masstab angelegt werden, wie ihn das IMT bei den Mitgliedern der ehemaligen deutschen Reichsregierung und anderen Regierungs- bzw. militärischen Funktionären angelegt hat.

Daher liegt nicht die geringste Veranlassung vor, die Angeklagten schärfer und strenger zu behandeln als die führenden Nazis, die vor dem IMT standen.

Dies aber würde nach unserer Auffassung zu einem Nicht-Schuldig-spruch für die Angeklagten unter Punkt I und V der Anklage führen.

Die Anklage hat keinerlei Beweis für die Beteiligung der Angeklagten an den geheimen Planungen Hitlers oder an irgendeiner spezifischen gemeinsamen Planung oder Verschwörung, Angriffskriege zu führen, angetreten. Nach Auffassung der Verteidigung wussten alle Angeklagten weniger, - in keinem Fall jedoch wusste einer der Angeklagten mehr hinsichtlich der allgemeinen deutschen Politik und der speziellen Pläne Hitlers als Männer wie Schacht, v. Papen, Speer, Fritzsche, Frank, Bormann, Kaltenbrunner, Streicher, v. Schirach, die durch das IMT von der Anklage des Verbrechens gegen den Frieden freigesprochen worden sind. Alle diese Männer waren zweifellos weit enger mit Hitler und seiner Politik verbunden als irgendeiner der Angeklagten. Zweifellos hatten alle diese Männer Kenntnis von den Tatsachen oder zu mindesten von den meisten Tatsachen, die auf Seite 76 - 103 des Memorandum Brief, Teil I, angeführt sind, welche die Anklage zur Stützung ihrer These vorbringt, dass die Angeklagten subjektiv unter Punkt I und V der Anklage schuldig sind. Alle diese Männer dienten der moralischen, wirtschaftlichen und militärischen Stärkung des deutschen Kriegspotentials vor bzw. nach Ausbruch des Krieges. Sie spielten daher eine bedeutende Rolle in der Förderung der militärischen Stärke Deutschlands.

Wenn daher diese Männer nichtsdestoweniger durch das IMT von der Anklage, Verbrechen gegen den Frieden begangen zu haben, freigesprochen worden sind, dann kann es nach unserer Auffassung auch nicht dem geringsten Zweifel unterliegen, dass die Angeklagten nicht anders behandelt werden können, da auch sie keine intime Kenntnis von Hitlers

geheimen Angriffsplänen hatten und persönlich mit diesen Planungen nicht in Verbindung standen. Daher kann das ganze, von der Anklage zu Punkt I und V vorgelegte Beweismaterial dahingestellt bleiben, da kein einziges Beweismittel sich auf die Kenntnis der Angeklagten hinsichtlich jener geheimen Planungen und der Beteiligung daran bezieht.

Man kann mit Recht sagen, dass die tragische Ironie des Prozesses das ehemalige gewaltige Geschäftsvolumen der I.G. ist, und die Angeklagten haben fast täglich im Verlauf des Falles der Anklage erfahren müssen, dass die Tatsache immer wieder angeführt wurde, um die Anschuldigungen unter Punkt I und V der Anklage zu rechtfertigen. Daher bezieht sich der grösste Teil des Beweismaterials auf die Struktur, das Geschäftsvolumen und die Riesenproduktion der I.G.

Erinnern wir uns jedoch daran, was das IMT zu dem Freispruch Schachts von der Anklage des Verbrechens gegen den Frieden ausgeführt hat. Ich zitiere:

"Aber die Aufrüstung an sich ist nach dem Statut nicht verbrecherisch....."

Ende des Zitats.

Zusammenfassend kann daher gesagt werden, dass das gesamte von der Anklage für die Rolle der I.G. bei der militärischen und wirtschaftlichen Kriegsvorbereitung Deutschlands vorgelegte Beweismaterial völlig ausser Acht gelassen werden kann und so lange unerheblich ist, als nicht die Anklage die spezielle Kenntnis unter Beweis gestellt hat, die nach den Feststellungen des IMT hinsichtlich der geheimen Angriffspläne Hitlers und der direkten Beteiligung der Angeklagten an diesen Planungen vorliegen muss.

Dasselbe gilt hinsichtlich des von der Anklage eingeführten Beweismaterials für die angebliche Schwächung des Kriegspotentials anderer Länder durch die I.G., die angebliche Auslandspropaganda und Spionage seitens der I.G., die angebliche Tarnung des Auslandsbesitzes der I.G., die angebliche Plünderung von öffentlichem und privatem Eigentum in den besetzten Gebieten und die angebliche Verwendung von Zwangsarbeitern durch die I.G. als Beitrag zur Stärkung des deutschen Kriegspotentials nach Ausbruch des Krieges.

Was das subjektive Verschulden der Angeklagten betrifft, so rechtfertigt weder die Aussage des Zeugen Paul Otto Schmidt in der Sitzung vom 2. Oktober 1947, - die uebrigens noch nicht einmal den Beweis fuer eine common knowledge des deutschen Volkes von den Angriffsplaenen Hitlers erbracht hat - noch die von der Anklage unter Ziffer 64 zitierte Aussage des Angeklagten Georg v. Schnitzler, noch die in der Anklage unter Ziffer 28 behauptete Teilnahme der Angeklagten Schnitzler und Krauch an der Sitzung Goering vom 17. Dezember 1936, 3 Jahre vor Ausbruch des Krieges, einen Schluss auf die spezielle Kenntnis der Angeklagten hinsichtlich bestimmter Angriffsplaene Hitlers und ihrer Beteiligung an diesen Planungen. Ebenso wenig reicht das von der Anklage in Ziffer 4 behauptete Bandnis der I.G. mit dem Nazi-Regime als Beweismittel aus. In dieser Beziehung mag noch auf die folgenden Ausfuehrungen des IMT zum Begriff der Verschwörung unter Abschnitt V der Urteilsgruende hingewiesen werden. Ich zitiere: (Bd. I, Seite 225):

"Die Anklagebehoerde sagt dem Sinne nach, dass jede bedeutsame Beteiligung an den Angelegenheiten der Nazi-Partei oder der Regierung einen Beweis fuer die Beteiligung an einer an und fuer sich schon verbrecherischen Verschwörung darstellt. Der Begriff der Verschwörung ist in dem Statut nicht definiert, doch muss nach Ansicht des Gerichtshofes die Verschwörung in Bezug auf ihre verbrecherischen Absichten deutlich gekennzeichnet sein und darf vom Entschluss und von der Tat zeitlich nicht zu weit entfernt sein."

Ende des Zitats.

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Auch der Versuch der Anklage, den Angeklagten die Beteiligung an der Führung von Angriffskriegen nachzuweisen, muss nach dem Urteil des IMT daran scheitern, dass die Angeklagten mit den konkreten Angriffsplänen Hitlers nicht im Zusammenhang standen und von ihnen keine Kenntnis hatten, und daran, dass die Produktion von Kriegsmaterial als solche keine Beteiligung an solchen Planungen darstellt. Daher kann auch der Beitrag der I.G. zur Stärkung des deutschen Kriegspotentials nach Ausbruch der Angriffskriege, wie dies die Begründung des IMT Urteils zum Freispruch des verantwortlichen Rüstungsministers Speer eindeutig ergibt, nicht als eine strafbare Beteiligung an der Führung von Angriffskriegen dargestellt werden. Ich zitiere nochmals:

"Seine Betätigungen, als ihm der deutsche Kriegseinsatz unterstand, dienten dem Kriegseinsatz genauso wie jede Erzeugungsstätte der Kriegführung half; der Gerichtshof ist jedoch nicht der Ansicht, dass eine solche Tätigkeit die Teilnahme an einem gemeinsamen Plan, Angriffskriege zu führen, darstellten im Sinne des Anklagepunktes I oder Angriffskriege zu führen im Sinne des Anklagepunktes II."

Ende des Zitats.

Aus allen diesen Gründen ist die Verteidigung der Auffassung, dass das von der Anklage eingeführte Beweismaterial zur Stützung des Anklagepunktes I unerheblich ist und daher die Angeklagten aus Rechtsgründen einen Nicht-Schuldigspruch hinsichtlich dieses Anklagepunktes beantragen dürfen.

Dasselbe gilt von Anklagepunkt V, umsomehr als die Anklage kein Beweismittel dafür eingeführt hat, dass die Angeklagten sich an einer konkreten gemeinsamen Planung oder Verschwörung, Angriffskriege zu führen, beteiligten.

In ihrem Memorandum Brief, Teil V, Seite 3 behauptet die Anklage, dass diese Angeklagten über einen Zeitraum von Jahren untereinander und mit anderen Personen die Ausführung der in Teil I, II und III des Brief der Anklage geschilderten Tätigkeiten planten und sich zu diesem Zweck verschworen haben, wobei diese Verschwörung, welche die Anklage als "Farben-Verschwörung" bezeichnet, gleichzeitig der Förderung der Nazi-Verschwörung zur Begehung von Verbrechen gegen den Frieden wie sie vom IMT festgestellt wurde diene. Abgesehen davon behauptet die Anklage, dass die Angeklagten sich an der Nazi-Verschwörung

zur Begehung von Verbrechen gegen den Frieden beteiligten. Die Anklage hat jedoch kein einziges Beweismittel zur Stuetzung dieser voellig vagen Behauptungen eingefuehrt und es ist hoechst bezeichnend, dass im Gegensatz zu den anderen Teilen des Brief der Anklage im Teil V dieses Briefes keine einzige Exhibit-Nummer erwaeht wird, die auf die Verschwörung Bezug hat.

Wir wollen uns nochmals daran erinnern, was das DMF hinsichtlich der Voraussetzungen der Verschwörung festgestellt hat. Ich zitiere:

"Der Gerichtshof muss untersuchen, ob ein konkreter Plan zur Kriegfuehrung bestand und bestimmen, wer an diesem konkreten Plan teilgenommen hat."

"..... Nach Ansicht des Gerichtshofs muss die Verschwörung in Bezug auf ihre verbrecherischen Absichten deutlich gekennzeichnet sein und darf vom Entschluss und von der Tat zeitlich nicht zu weit entfernt sein."

Ende des Zitats.

Die Ausfuehrungen der Anklage lassen jede Bezugnahme auf einen solchen konkreten Plan und die Beteiligung der Angeklagten daran voellig vermissen. Ferner sind keinerlei Tatsachen dafuer angefuehrt, dass die verbrecherischen Absichten eines solchen Plans deutlich gekennzeichnet waren.

Nach Auffassung der Verteidigung koennen daher die Angeklagten einen Nicht-Schuldigspruch bezueglich des Anklagepunktes V beantragen.

Es verdient hervorgehoben zu werden, dass im Einklang mit der Auffassung der Verteidigung in diesem Fall die Anklagevertretung im Fall V gegen Flick und Andere, der vor dem Nuernberger Gerichtstribunal schwebt, die dort angeschuldigten Personen nicht wegen der Vorbereitung und Fuehrung von Angriffskriegen oder einer Verschwörung mit solchem Ziel unter Anklage gestellt hat.

IV. Was die angeblichen Pluenderungsfaelle in Oesterreich und im Sudetenland unter Anklagepunkt II betrifft, so ist auch hier nach Auffassung der Verteidigung das von der Anklage eingefuehrte Beweismaterial unerheblich.

Nach Art. 6, Abs. c) des Statuts und Art. II 1 c des Kontrollratsgesetzes Nr. 10, die sich mit Verbrechen gegen die Menschlichkeit befassen, werden Vergehen gegen das Eigentum und demgemass Raub und Pluenderung im Gegensatz zu Art. 6 Abs. b) des Statuts und Art. II 1 b des Kontrollratsgesetzes Nr. 10, die sich mit Kriegsverbrechen befassen, nicht erwaeht.

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Nach Ansicht der Verteidigung kann daher *prima facie* vom Standpunkt des Gesetzes aus ein Plünderungsfall in einem Land nur dann unter Anklage gestellt werden, wenn sich dieses Land im offenen Kriegszustand mit Deutschland befand, da nur in einem solchen Fall die Regeln über die Kriegsführung, wie sie insbesondere in den Artikeln 46, Abs. 2, 53 und 56 der Haager Landkriegsordnung niedergelegt sind, auf die sich die Anklage insoweit stützt, als verletzt angesehen werden können.

Nach unserer Auffassung kann es keinem Zweifel unterliegen, dass die Weglassung des Aktes der Plünderung in der Aufzählung der Verbrechen in Art. II 1 c des Kontrollratsgesetzes Nr. 10 nicht eine zufällige ist, da dieser Absatz unmittelbar auf den Absatz b) folgt, in dem die Verbrechen gegen das Eigentum und die Plünderung ausdrücklich erwähnt werden.

Die Verteidigung kann der Auffassung der Anklage, wie sie auf Seite 11 des Memorandum Brief, Teil II, dargelegt wird, nicht folgen, dass die angeblichen Plünderungsakten in Oesterreich und im Sudetenland als Verbrechen gegen die Menschlichkeit angeklagt werden können, da sie, wie die Anklage behauptet, mit Verfolgungen aus politischen, rassischen oder religiösen Gründen zusammenhängen.

Die Verteidigung kann sich diesem etwas sophistischen Versuch der Anklage, den Artikel II 1 c, der sich mit Verbrechen gegen die Menschlichkeit befasst, zur Anwendung zu bringen, nicht ~~folgen~~ anschliessen. In erster Linie mag darauf hingewiesen werden, dass die Verhandlungspartner der I.G. bei den oesterreichischen und tschechoslovakischen Transaktionen, welche die Anklage als Plünderungen bezeichnet, juristische Personen, nämlich Aktiengesellschaften waren. Es ergibt sich aus dem Wortlaut des Art. II 1 c des Kontrollratsgesetzes Nr. 10 aber, dass die darin aufgeführten Verbrechen nur gegen natürliche Personen begangen werden können. Im Übrigen aber hat die Anklage kein Beweismaterial dafür eingeführt, dass die Übertragung der Aktien oder Fabrikanlagen auf die I.G. in diesen Fällen in sich eine Verfolgung aus politischen, rassischen oder religiösen Gründen dar-

stellten.

Die Verteidigung vertritt daher den Standpunkt, dass unter der Voraussetzung des Nachweises des Tatbestandes die Transaktionen in Oesterreich und im Sudetenland vom rechtlichen Standpunkt aus als Plünderungsfälle nur dann unter Anklage gestellt werden können, wenn sie Kriegsverbrechen im Sinne der Bestimmungen der Haager Landkriegsverordnung darstellten. Die Anklage ist sich der Tatsache wohl bewusst, dass die Besetzung Oesterreichs und des Sudetenlandes keine Angriffskriege waren und dass daher die Bestimmungen der Haager Konvention, wenn man ihren strengen Wortlaut zugrunde legt, in solchen Fällen nicht zur Anwendung kommt. Die Anklage trägt jedoch unter Berufung auf bestimmte Ausführungen des IMT Urteils auf Seite 5 und 6 ihres Memorandum Brief, Teil II, vor, dass das IMT nichtsdestoweniger die Anwendung der fraglichen Konvention in beiden Fällen bejaht habe mit der Begründung, dass die eine Aggression bzw. militärische Okkupation darstellten.

Im Falle Oesterreichs hat das IMT, wie aus der Urteilsbegründung zum Falle des Angeklagten v. Schirach (Seite 318 unten) hervorgeht, keine Andeutung in dieser Richtung gemacht, da es sich im Falle v. Schirach nur mit Verbrechen gegen die Menschlichkeit befasste, die in der Beteiligung an Deportationen bestanden. Richtig ist zwar, dass v. Schirach im Falle Oesterreich von der Anklage nicht wegen Kriegsverbrechen angeklagt war. Die Verteidigung ist jedoch überzeugt, dass die Anklage im IMT Prozess zweifellos sehr vorsichtig die Anklageschrift vorbereitet hat und daher aus guten Gründen von der Anklageerhebung gegen den Angeklagten Schirach wegen Kriegsverbrechen in Oesterreich Abstand genommen hat. Es kann keinem Zweifel unterliegen, dass die oesterreichische Bevölkerung zu dieser Zeit nicht als eine feindliche Bevölkerung angesehen werden konnte. Das Vorhandensein einer feindlichen Bevölkerung ist aber ein wesentliches Tatbestandsmerkmal eines Kriegsverbrechens.

Was die Tschechoslowakei betrifft, so zitiert die Anklage die folgenden Ausführungen aus den Gründen des IMT. Ich zitiere:

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"Die Besetzung Böhmens und Mährens muss als eine militärische Besetzung angesehen werden, auf die die Kriegsregeln Anwendung finden." (Seite 334).

Ende des Zitats.

Diese Ausführungen beziehen sich ganz klar nur auf Böhmen und Mähren und nicht auf das Sudetenland aus dem einfachen Grunde, da die Besetzung des Sudetenland unter das Münchner Abkommen fiel. Wenn die Anklage auf Seite 6 ihres Memorandum Brief behauptet, dass kein deutscher Staatsbürger irgendwelche Rechte oder Privilegien hieraus ableiten können, da Hitler niemals die Absicht gehabt hätte, das Münchner Abkommen einzuhalten, so wird hierbei übersehen, dass zu der Zeit als die Aussig-Falkenau-Transaktion abgeschlossen wurde - nämlich vor der Besetzung Böhmens und Mährens - die Angeklagten keinerlei Kenntnis solcher Absichten Hitlers haben konnten und daher sich auch nicht der Tatsache bewusst waren, dass sie sich in einem aufgrund eines internationalen Abkommens besetzten Land betätigten, dessen Verletzung von dem einen Partner dieses Abkommens beabsichtigt wurde. Die Anklage hat keinen Beweis für eine solche Kenntnis auf Seiten der Angeklagten angetreten, daher hat die Anklage nicht das subjektive Verschulden der Angeklagten unter Beweis gestellt, d.h. irgendeine Kenntnis davon, dass sie die Gesetze und Gebräuche des Krieges verletzten.

Da Aussig-Falkenau zu jener Zeit im Sudetenland lag und hinsichtlich des Gebietes von Böhmen und Mähren keine Plünderungsfälle unter Anklage gestellt sind, hat die Anklage kein Kriegsverbrechen im Falle Aussig-Falkenau nachgewiesen.

Abgesehen davon hat die Anklage einen prima facie Fall für ein strafbares Verbrechen in Oesterreich und im Sudetenland auch deshalb nicht bewiesen, da selbst wenn man entgegen der Auffassung der Verteidigung annehmen sollte, dass vom rechtlichen Standpunkt aus gesehen, die Begehung von Kriegsverbrechen in diesen Gebieten möglich waren, die Anklage in einem solchen Falle keinen Beweis für die Kenntnis der Angeklagten davon erbracht hat, dass Oesterreich und Sudetenland aufgrund eines allgemeinen Angriffsplans, wie vom IMT ausgeführt wird (Seite 318), besetzt wurde. Eine solche Kenntnis wäre aber

ein wesentliches Element fuer den Vorsatz der Angeklagten, die Kriegsverbrechen nur dann begehen koennen, wenn sie wussten, dass sie die Kriegsregeln verletzen, was wiederum die Kenntnis, dass ueberhaupt solche Regeln zur Anwendung kommen, zur Voraussetzung hat.

Zusammenfassend ist daher der Standpunkt der Verteidigung, dass das Beweismaterial, das die Anklage in den angeblichen Fluendungsfaellen in Oesterreich und im Sudetenland vorgelegt hat, nicht schluessig ist und daher die Angeklagten bereits im gegenwaertigen Zeitpunkt einen Nicht-Schuldigspruch beantragen koennen.

Für den Angeklagten CARL KRAUCH:

H. Krauch

Für den Angeklagten HERMANN SCHMITZ:

H. Schmitz

Für den Angeklagten GEORG VON SCHNITZLER:

G. Schnitzler

Für den Angeklagten FRITZ GAJEWSKI:

F. Gajewski

Für den Angeklagten HEINRICH HOERLEIN:

H. Hoerlein

Für den Angeklagten AUGUST VON KNIERIEM:

A. von Knieriem

Für den Angeklagten FRITZ TER MEER:

F. ter Meer

Für den Angeklagten CHRISTIAN SCHNEIDER:

C. Schneider

Für den Angeklagten OTTO AMBROS:

O. Ambros

Für den Angeklagten ERNST BUERGIN:

E. Buergin

Für den Angeklagten HEINRICH BUETEFISCH:

H. Buetefisch

Für den Angeklagten PAUL HAEFLIGER:

P. Haefliger

Für den Angeklagten MAX JIGNER:

M. Jigner

Für den Angeklagten FRIEDRICH JAEHNE:

F. Jaehne

Für den Angeklagten HANS KUEHNE:

H. Kuehne

Für den Angeklagten CARL LAUTENSCHLAEGER:

C. Lautenschlaeger

Für den Angeklagten WILHELM MANN:

W. Mann

Für den Angeklagten HEINRICH OSTER:

H. Oster

Für den Angeklagten CARL WURSTER:

C. Wurster

Für den Angeklagten WALTER DUERRFELD:

W. Durrfeld

Für den Angeklagten ERICH VON DER HEYDE:

E. von der Heyde

Für den Angeklagten HANS KUGLER:

H. Kugler

MICROCOPY

892

ROLL

110

